NILES' WEEKLY REGISTER.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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☞ Mr. *William Shippey*, at the counting house of Messrs. *Peter H. Schenck & Co.* No. 34½ Pine street, is agent for the REGISTER in the city of New York, and generally authorised to transact all its business, in the receipt of orders, subscriptions, &c. &c. and will attend promptly thereto.

THE CHOLERA.

Ten of the Indian youths at the Choctaw academy, at Blue Spring, Kentucky, have died of the cholera, and col. R. M. Johnson has lost fifteen of his slaves.

In the town of Richmond, Kentucky, in twenty days, up to the 16th inst. but nine persons had died of cholera, six whites and three blacks. The town was assuming its wonted lively appearance, its stores and offices were again open. But the disease was still raging in the county.

In the town of Lancaster, Ky. 116 persons had fallen victims to the disease from the 29th of June to the 8th of July, 58 whites and 58 blacks.

In Flemingsburgh 66 deaths had occurred, being about 1 in every 10 of its population.

In Lawrenceburg, Ky. 89 deaths had taken place out of a population of 250.

In Scott county, Ky. the disease was making the most frightful ravages.

The board of health of Maysville, Ky. announced, on the 11th inst. that the cholera had ceased to prevail in that city, and that all persons whose business or inclination may induce them to visit that place could do so in safety.

The canal hands at Williamsport, Md. are now said to be entirely clear of the disease.

The Wheeling Gazette of the 20th inst. says:—In Triadelphia, a village 8 miles east of this place on the turnpike, containing about 50 inhabitants, the cholera broke out with great violence on the 11th inst. In a few days there were 17 cases and 8 deaths. We understand the village has been almost entirely deserted.

Little Rock, June 16.—The steamboat Reindeer, capt. Cockran, arrived at this place on Sunday evening last, from New Orleans, in a most distressing condition—having lost SIX of her crew and passengers, by *cholera*, since she left the mouth of White river. One of her passengers was lying at the point of death when she arrived, and is still lying in rather a critical situation, and almost every soul on board was more or less affected with the epidemic.

The Pittsburg Gazette states that the cholera has never been known in that city as an epidemic, and the board of health announce, officially, that from the 11th of June, when the disease made its appearance, up to the 16th July, only 39 persons had died from the disease.

There had been little or no melioration of the disease in Kanawha Salines, Va. and its vicinity up to the 18th inst. The whole number of deaths, as ascertained in the county, we learn from the Charleston Banner, was 74. In Charleston, Va. there had been six or seven cases of cholera and three or four deaths.

The National Intelligencer, on the authority of a student announces that the cholera had made its appearance at Princeton, New Jersey, and that the students of the college had, in consequence, been permitted to return to their homes.

In Indiana the disease is spreading, as is also the case in Ohio. Deaths have occurred at several of the small towns on the Ohio river, and in the interior, we notice deaths at Lebanon, Dayton and Columbus, though in none of these places does it appear to possess the malignancy which marked its progress in Kentucky.

STRANGE! The following, extracted from a Connecticut paper, has been spoken of in "*tribute* to Andrew Jackson!"

"He travels unarmed and unattended, but by his household, by day or night, through a land where every house he sees is his home, and every man he meets is already enrolled as his life guard."

The remark is well—and proper. But the servile stupidity is in reference to it as something *extraordinary*. The "collar" is manifest! None but a grovelling slave —a fit subject for the sultan of Turkey, would imagine a *president* of the United States travelling otherwise—for so all our presidents have travelled, and, we trust in heaven! always will do. We have seen *president* Adams taking care of his own baggage in a steamboat—and sitting down at the common table, like any other passenger—and thus, we hope, that it ever will be. And there are tens of thousands of men, who were most decided in their opposition to the election of *general* Jackson to the presidency, who would have risked their lives to have prevented the insult inflicted on *president* Jackson by ex-lieutenant Randolph, had they been present, and foresaw what was about to happen. And the general idea given out in the preceding extract, is as old as the constitution. We saw *general* WASHINGTON thus proceeding to New York, to take his first oath as president—and have seen *president* WASHINGTON on his return to Mount Vernon—"unarmed and unattended, but by his own household;" and beheld a negro, doff his three cornered *revolutionary* hat, and heartily shake hands with him who was "first in war, first in peace, and first in the hearts of his countrymen"—whose "name and fame" will outlive the pyramids of Egypt, and be more and more cherished as time shall hallow their adamant. It is the glory of our country that such things always have been; and to suppose that they can be otherwise is—"moral treason."

UNITED STATES BANK. The New York Commercial of the 18th inst. remarks: "The government deposites have become a fruitful source of speculation, and some of the stock brokers are endeavoring to inculcate a belief that the president intends to remove the public money to the state banks. If he has any such intention, we should incline to the opinion that he would not again entrust certain folks in Wall street with the secret. Be that, however, as it may, it is certain that a premium of 25 per cent. was paid yesterday in Wall street, to insure that the deposites would not be transferred before the next meeting of congress, and Mr. Jacob Barker accepted the premium, and wrote such policy."

IRON. *From the Albany Daily Advertiser*. It is not only our opinion, but we are confirmed in the belief, by many with whom we have conversed, that the manufacturing of castings is brought to greater perfection in Albany than in any other place in this country, and, we may add, even Europe. The hollow ware of Bartlett, Bent & Co. is preferred to the best "Scotch hollow ware" —the stoves of Dr. Nott receive the preference wherever they are known, and the machinery castings of Many & Ward, and others, are equal to those of any foundry in the world.

The amount of castings consumed in this section of the country, may be judged of by the following facts:

Howard, Nott & Co.	melt	annually about	1,000 tons.
Bartlett, Bent & Co.	do.	do............	350
I. & J. Townsend	do.	do............	300
Rathbone & Silliman	do.	do............	200
Many & Ward	do.	do............	450
Total			2,300

About one thousand persons obtain their support from the employment derived from these establishments.

In addition to the amount of irons melted here, Messrs. Heermans, Rathbone & Co. sell annually 750 tons stove plates (from Philadelphia) and Gill, Cooper & Co. about 300 tons from same place.

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From the best information we can obtain, there are about 2,300 tons of castings manufactured and sold in this city, and about 1,250 tons imported and sold here—making in all 3,550 tons.

VERMONT. The "union" proceedings noticed in the last "Register," it appears, will be strongly opposed—and Mr. *Seymour*, late of the senate of the United States, has been nominated, in several of the anti-Jackson papers, for the office of governor.

NEW YORK CANALS. *From the Albany Argus.* The tolls collected on all the canals of the state, for the month of June, amount to the sum of $174,646 90—being $4,260 33 more than the receipts of the corresponding month of the last season. The following statement exhibits the sum received on each canal for the month of June, to wit:

On the Erie canal	$148,170 46
Champlain canal	21,[illegible]65 24
Cayuga and Seneca canal	2,411 17
Oswego canal	2,900 03
	$174,646 90

The whole sum received for tolls from the opening of navigation to the 30th of June, two months and eight days, is $500,211 94 cents; being $58,240 96 more than the receipts up to the same period in 1832.

[The increased amount of the tolls on these canals is not proportioned to the increase of business on them—for the rate of the tolls had been considerably reduced.]

UNIVERSITY OF NEW YORK. The following is the close of Dr. *Matthew's* address, on laying the corner stone of the university of New York:

"With these hopes and prospects, in the name of the most high God, the Father, the Son, and the Holy Ghost, from whom cometh down every good gift and every perfect gift, and with whom is no variableness, neither shadow of turning, *do we now lay this corner stone of the university of the city of New York;* and with the humble hope of his blessing and favor, we dedicate it

"*To the cause of freedom*—of freedom, civil, intellectual, and religious; and to that high cause for which our fathers were first exiles and then warriors. May this institution furnish able and devoted sons, who will appreciate and maintain the privileges transmitted to them as their heritage and birthright. We dedicate it

"*To the cause of letters—of science and education,* the brightest earthly ornaments of a nation, free and happy as ours, and without which, freedom itself soon degenerates into coarse licentiousness, and results in anarchy and every evil work. We dedicate it

"*To the cause of religion*—for without this, the tree of knowledge is severed from the tree of life; but with it freedom and knowledge alike become sanctified into blessings that endure forever.

"And firmly and permanently as we have now laid this corner stone in its place, would we also lay this institution deep in the affections and confidence of this community, and commit it confidently to the care and patronage of Him who sees the end from the beginning, and in whom we trust, that after our names and memorials shall have passed away, this university will remain a pillar of light and glory to our city and our nation. *Esto perpetua.*"

EASTON, PA. The anniversary was celebrated with great spirit in this prosperous town, by military and civic processions, &c. but was specially remarkable because of the laying of the corner stone of "Lafayette college," on which a noble edifice is to be erected, with appropriate ceremonies.

On settling the stone to its place, colonel Porter, (president of the board of trustees), said:

"Here, on the anniversary of our independence, we dedicate this building to the cause of science and education. May it long be the seat of virtue and learning. May the example of him whose name it bears and who is well described as the model of republican chivalry, the hero of three revolutions, of two centuries and of both hemispheres, inspire the youth who shall be here educated, with the proper spirit of patriotism and philanthropy. And may the all bounteous Author of nature bless this our undertaking, protect those engaged in completing this structure from accident and harm, and long preserve it from decay."

BALTIMORE. The ship-building business continues to be prosecuted in Baltimore with unabated activity. Within a short time past, the keels of five brigs, six schooners and a steamboat have been laid down, the greater proportion of which, including the steamboat, are building for account of owners in other cities. Two noble ships, of 500 to 600 tons each, are advancing towards completion, and one of them is expected to be launched in about a fortnight. They are both designed for merchants of Petersburg, Va. Our naval architects possess that peculiar skill and talent in the line of their profession which cannot fail to secure them full employment, as long as first rate vessels are required. [*Amer.*

In the quarter ending July 1—there was inspected in Baltimore 134,047 bbls. and 1,494 ½ bbls. wheat flour—87 hhds. and 5,226 bbls. corn meal—146 bbls. and 35 ½ bbls. beef, 3,367 bbls. pork—the two last nearly all "foreign" packed.

BALTIMORE AND OHIO RAIL ROAD. A late report of a committee of the board of directors shews:

That the receipts for transportation during the last six months, appears, by the accompanying statement of the superintendent of transportation, to have been		$92,556 86
That the expenses of transportation, and the salary of the superintendent of transportation were	$41,534 35	
That the repairs of the road, machinery and attendance on the same, and salary of superintendent of machinery, were	18,374 89	
The wear and tear of horses and harness is estimated at	2,800 00	
		62,709 24
Leaving, after deducting the foregoing items, the sum of		$29,847 62

The income and expenses of transportation in the first six months of 1832 and 1833 are thus shewn:

Income.		*Expenses of transportation.*	
1832,	$78,160 44	1832,	$41,414 29
1833,	92,556 86	1833,	41,534 35

NORTH CAROLINA. The internal improvement convention of the state of North Carolina met at Raleigh, on the 4th instant. The honorable *D. L. Swain*, governor of the state, was chosen president, and two secretaries were appointed. One hundred and eighteen delegates were present. A committee, composed of one member from each county delegation, was appointed, to whom were referred all matters of inquiry, with instructions to make a general report. This committee made a detailed report on Friday afternoon, which produced a protracted discussion. After being modified in several particulars, it was finally adopted, on Saturday. Nearly the whole of the debate which occurred in the convention, took place on a resolution reported by the committee, which affirms "that the true policy of the state requires that its funds should, in the first instance, be *exclusively* applied to providing the means of internal transportation, and in creating and improving markets within her own limits." The true point appears to have been whether the necessary improvements should not terminate at some point or points in North Carolina, rather than be connected with improvements, in other states on the north, south and west, which might lead the trade to Norfolk, or to Charleston, or down the western waters to New Orleans.

The resolutions finally adopted declare it expedient that "a liberal system of internal improvements should be immediately organized and vigorously prosecuted;"

That the general assembly ought to provide "by law or otherwise," a fund for purposes of internal improvement;

That this fund ought to be applied "in the first instance, *exclusively*" to creating and improving markets within the limits of the state;

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That provision ought to be made by law, that the state shall subscribe for *two-fifths* of the stock of every company chartered for internal improvement; and

That every company so chartered, ought to have power to cross and intersect at pleasure, any work previously authorised or made.

Committees of correspondence and to address the people of the state on the subject were appointed, and a memorial was directed to be laid before the next legislature. A new convention was recommended, to be held in November next, to deliberate farther.

Ohio canals. The tolls received on the Ohio canal, in May last, amounted to $16,933 80—same month, last year, $10,147 43. On the Ohio and Miami canal, last May, $3,340 14—same month, last year, $3,734 58.

Natchez is about 400 miles from the ocean—but about to become a great seaport, by the aid of steam vessels ascending the current of the Mississippi, towing up ships. The state of Mississippi now exports about 225,000 bales of cotton, and is growing rapidly in population and means to double the quantity, if the market remains good.—There seems hardly a limit to the amount of cotton which may be produced.

The duties which accrued at Boston in the two first quarters of 1832, amounted to $2,647,130 24: in the two first quarters of the present year $1,821,957 79. The reduction is chiefly caused, no doubt, by admitting coffee, tea, &c. duty free; and yet the price of these articles has not declined.

In Philadelphia, the amount of duties in the two first quarters of 1832, was $2,310,178 49: in those of 1833—$1,322,772 23. The duties which accrued at New York were mentioned in the last Register.

The coal trade. 111,577 tons have descended the Schuylkill—the present season, up to the 14th inst. The cost of coal, at different points of embarkation is from $2 00 to $2 50 per ton, and the freight to Philadelphia from 112½ to 125 cents per ton.

The north west. A lot of ground in *Buffalo* (without buildings) lately sold for $75,000. It was purchased a few years ago for $800. A steamboat has been built at *Huron*, (on lake Erie) 200 feet keel, and her engines are to have the power of 240 horses! Well situated stores in *Detroit* rent for 600 or 700 dollars.

Wheat. The standard weight for merchantable wheat this season, has been fixed by the city millers of Richmond, at 58 lbs. the bushel. Last season it was 60, and half the crop weighed 61. [*Whig*.

British imports of grain, meal and flour. By a parliamentary return just published, it appeared that the following quantities of foreign and colonial grain paid the duties for the home consumption during the interval between the first day of the operations of the corn bill (9 Geo. IV. c. 60) which took effect on the 15th of July, 1828, and the 1st of April last.

	Foreign corn.	*Colonial.*	*Total.*
Wheat,	4,795,746	353,905	5,148,651
Barley,	1,067,068	213	1,067,370
Oats,	1,455,987	8,818	1,464,815
Rye,	141,869		141,869
Peas,	195,201	5,521	200,722
Beans	178,452		178,452
Buckwheat,	34,859		34,859
Indian corn,	100,225	11	100,236
Quarters,	7,968,405	367,578	8,336,083

The annual average of foreign grain entered for home consumption during the period in question, appears, therefore, to have been as under—

	Quarters.		*Quarters.*
Wheat,	895,410	Peas,	43,900
Barley,	185,630	Beans,	31,030
Oats,	254,759	Buckwheat,	6,060
Rye,	25,630	Indian corn,	17,430

The duties paid upon the 7,968,405 quarters of foreign corn amounted, within the above interval, to £2,501,713, being an average of about £435,080 per annum. Those on colonial corn, paid on 367,578 quarters did not produce more than £60,378.

The quantity of wheat, meal and flour, being foreign, on which the duties were paid, was 1,880,534 cwt. from which the revenue derived the sum of £182,888; that of colonial articles of the like description was 372,446 cwt. which paid duties to the amount of £15,076.

[The quarter of wheat is 8 bushels, of 70 lbs.]

A machine has been invented in Cincinnati for cutting wheat, or any other small grain, by horse power. It is stated that it will, when propelled by two horses, cut as fast as eight persons can bind. A fair trial has been made of it in the presence of several members of the agricultural society of Hamilton county. It met their fullest approbation, and the editor of the Cincinnati Advertiser, who has seen the machine, expresses his opinion that it may be applied to cutting grass also. This, if it proves fully successful, is an important invention; but so many ingenious novelties have been brought forward of late, and so few have answered the expectations at first held out of their utility, that we are disposed to be somewhat cautious and incredulous.

Sperm oil. The city of Boston has contracted for a supply of oil for the street lamps at the following rates, viz:—summer oil 90 cents, and winter 1 dollar per gallon. Greatly as the whaling business has increased within a few years, the supply of oil does not equal the demand, and the price is therefore constantly and steadily on the increase. It is almost impossible that the market should be over-stocked.* [*Salem Gazette*.

An immense vineyard. Von Meyerfiky, a land-owner at Pesth, in Hungary, is completing a vineyard in that vicinity, which will probably be the largest ever known in Europe. Its superficial area is nearly four hundred acres, and its produce, even in moderately favored seasons, will not be short of five and twenty thousand sulms, or 375,000 English gallons. As a receptacle for this produce, the grower is erecting a cellar sufficiently spacious to receive double the quantity. Meyerfiky's brother, too, is by no means a small dealer in this branch of the liquor trade; for he is on the eve of starting a rival to the famous sire of Heidelburg, viz: a tun made entirely of marble, and capable of containing 63,000 gallons.

A curiosity. A gentleman of New Haven, (Con.) has several volumes of the first newspaper that was ever published in England. It was commenced in 1558, and is entitled "The English Mercurie" which, by authority, is imprinted at London, by Christopher Baker, her highness's [queen Elizabeth's] printer.

Case of seduction. *From the Lynchburg Virginian, July 15.* The superior court of this corporation was engaged the greater part of Wednesday and Thursday last in the trial of a case of seduction; the first action of this sort, we believe, which has been brought before it since its organization. The plaintiff was Benjamin A. Philips, who instituted a suit against Tinsley Padgett, for the seduction of Maria Philips, under a promise of marriage, the consequence of which seduction was the birth of an infant during the last winter. We were not at court on Wednesday and did not hear the testimony, but the character of it may be inferred from the fact that the jury returned a verdict against the defendant of *thirteen hundred dollars damages*—a sum, according to his statement of his pecuniary resources, which he is unable to pay.

Gov. Stokes. At the anniversary dinner, at Jefferson Barracks, Missouri, the following toast was given—

By the president of the day—I give, a friend, a statesman, and a revolutionary soldier, now a distinguished guest—gov. Stokes, of North Carolina.

After this toast was announced, gov. Stokes rose and said—"Gentlemen, among strangers, few of whom I have

*Because of the home market. The British duty upon it, until 1826 was £34 18s. 3d. per tun, and still is £26 12s.—or $127 60. Ed. Reg.

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ever seen before, and fewer still of whom I ever expect to see again, I feel highly gratified with the attention shown me on this occasion—I shall ever remember it with pleasure. I entered the service of my country at a very early age; I was in the battle of King's Bridge at Norfolk—I have been 44 years in the public service, (this year will make 45), and I expect to die in the service of my country, as I am old and have but a short time to live. I will give you—The young, rising, and flourishing state of Missouri."

Miss Crandell, a young lady, has been imprisoned in Connecticut, because that she persisted in keeping a school for "young ladies of color," at Canterbury—"contrary to law." She has been bailed out.

The Siamese twins, being at Cleveland, Ohio, were visited by Black Hawk and his party, who seemed much interested in seeing them, and asked many questions. Black Hawk addressed the twins, (through the interpreter), for five minutes or more. The substance of the address was—"That he and his friends had heard of the twins, and having been very anxious to see them that they felt pleased in having their wishes gratified."

He said "the Great Spirit had made them as they were, and would protect them and be their guide and protector, should they again cross the great waters."—The concluding phrase of his address was, "the Great Spirit will call both to him at once."

The Indians sat with the twins for nearly fifteen minutes.

He added "that he would show to his red brethren the portrait which they had presented to him, and would tell them what he and his friends had seen."

[*Cleveland Adv.*

"Western women. I saw there a couple of splendid western beauties. The south produces elegant women, and the valley of the Mississippi splendid ones. There is an originality—a raciness—among the women of the west, which is eminently attractive. They touch the confines of civilization and barbarism with such a daring grace, that the precise petits maitres of the Atlantic are thunderstruck or turned into gaping statues at their fascinating wildness and enchanting audacity. A western or southern belle fresh from the woods, is a sealed book to an Atlantic dandy. He cannot understand her; he has not the key; she is beyond his vision. To know them properly; to estimate them accurately, we must have been lost on the Alleghanies; shipwrecked on a foreign coast, drank sherbet with the Turk; tasted the river Jordan, or been killed and eaten by pirates. It is quite distressing to see the Atlantic belles pick their way through a crowded drawing room. They sometimes stand on the outward edge of the crowd, and look despairingly to a friend at the other end of the room, as one would look upon the spires of Cincinnati from the pinnacles of the Alleghanies, or a traveller look across the Arabian deserts. A western belle dashes through the crowd as she would through the river mounted on horseback. Nothing impedes her. She makes manners, and controls the rulers of society as she marches through it—throwing dandies aside as a ship does the billows. The southern fine lady glides like a sylph; full of feeling and passion, which give edge to her conversation and fire to her eyes."

[*Portland Adv.*

Ireland. It is almost constitutional with us to wish well to the oppressed people of Ireland—so long have we entertained a deep sense of the injuries inflicted upon them by the "tyrant" which also oppressed our fathers, in our own land; but have oftentimes had to regret proceedings of the *character* of those stated below—though the "organization of volunteers" mentioned was only, as we believe, in the idea of some ignorant person. And it is also a great misfortune, that foreigners, becoming citizens of the United States, do not always recollect that they are a part of the general mass of the people, and should have only such motives and feelings as belong to the new allegiance they have voluntarily made; not being a *separate party*, because of the place of their nativity.

The "Dublin Pilot," under the head of "American sympathy for Ireland," says—"We have received a copy of the *United States Gazette*, of April the 18th, in which is contained a long account of a public meeting held in Philadelphia, of gentlemen interesting themselves in the condition of Ireland. The proceedings of this meeting are too strongly worded to be given publicity to in an Irish paper. The discussion was a very animated one, as it referred to the coercive bill. The result was to appoint a committee to prepare a constitution and by laws for the proposed organization of "the association of the friends of Ireland." A correspondent states, "*that meetings will be held all over America, and volunteers organized on the model of* 1782."

"Every good rule must work both ways." What would some of us have thought, in 1798, if such proceedings had been intimated as happening in *England*—with respect to the condition of things in the *United States?*

British West India colonies. The following statements, which we subjoin from the official returns for the year 1829, will be some guide as to the value of these colonies to the mother country:

The exports from these colonies to England amounted to	£9,087,919
The same to other parts	3,000,000
Gross exports	£12,087,919
The imports into the colonies from England amounted to	£5,521,169
The same from other parts	3,100,000
Gross imports	£8,621,169

And this trade gave employment to 18,000 British seamen.

Statistics—St. Petersburgh. The following is a table of the population of St. Petersburgh in 1832—males 294,468, females 154,900; total 449,368. Among them are ecclesiastics 2,188, nobles 34,079. Soldiers 39,437, merchants 10,828, artisans 24,179, citizens 36,732, of the middle class 66,366, foreigners of various conditions, with the exception of merchants and artisans, 7,199, domestic servants 94,000, peasants 127,865, inhabitants of Ochta 3,388. Births, males 5,198, females 4,969; total 10,167. Deaths, by various diseases, males 11,032, females 5,230, by accident 675; total 16,937. Excess of deaths 6,758. This great excess of deaths is not to be ascribed to the insalubrity of the climate, but to the disproportion between the number of the sexes. The male proportion being nearly double the female, the number of families is, of course, not proportionate to the gross amount of the population; accordingly, the excess of deaths is found in the males, and ought to be deducted.

[*Literary Gazette.*

"Lord Panghuloo." To those who are in the habit of puffing great men and little men, we recommend the following extract from a recent narrative of Housain Ben Ismail El Huu, in which he describes the natural and supernatural qualifications of his master, Abubaker lord Panghuloo, a Mahometan Malay chief who rules at Malacca. The puffers and flatterers in this country will not meet with any thing in this more extravagant than they are accustomed to, but they may find some new expressions to grace their adulation.

"Praise be to Allah and Mahomed who is his prophet! under whose favor ruleth in wisdom and power the mighty chief, pre-elected of God, Abubaker lord Panghuloo of the country of Nanning; the comforter of his people in peace, and when battle rages, the shedder-of-the blood of his enemies; the shield of his wide domain and the vanquisher of invaders, who healeth with a touch those who ail, and with a breath disperseth his foes; whose house is the abode of propriety; who is faithful, valiant and discreet; courteous to his neighbors, and who is continually manifesting his tenderness to the needy; may prosperity, honor and lengthened sway wait upon his highness, and upon his foes confusion and despairing defeat; of whose proceedings in peace I indite the justice and wisdom, and of whose actions in war I record the tempestuous and scattering fury; and from whose countenance the rays of conquest and greatness illumine the page of me, his servant *Housain Ben Ismail El Huu*,

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recording his praise-worthy and valorous acts, that they may be known in all countries both above and below the wind, and be read by those who dwell to the east and the west of the sun, that his example may be remembered, and his greatness prolonged—And so be it."

[We know not the paper to which "credit" is due for the preceding—else would gladly award it. It is a fine specimen of crawling and puffing—and well fitted to the present state of the times.]

RELICS OF MARY QUEEN OF SCOTS. Certain interesting relics of the never to be forgotten queen of sorrows as well as of beauty, are yet amongst us, and in the possession of personages of her own gentle sex. The celebrated casket, said to have contained the fatal letters produced to excuse her condemnation, grace the cabinet of the honorable Miss Grimson. The pearl necklace, which used to adorn her beautiful neck in the bright days of her charms and her power, is the sometimes ornament of her no less lovely countrywoman, Miss McDonald. And the hallowed little cross which lay on her bosom in the hour of execution, is regarded as a sacred inheritance in the family of the duchess of Richmond. And, perhaps, what is the most affecting relic of them all, the last garment which folded around her in the last act of that horrible scene, and stained with her blood, is in the possession of the house of Throckmorton. Some touching verses show how often it has been embalmed with a tear from the gentle eyes of lady Throckmorton, the beautiful friend of the sweet bard of the "The Task."

[*English paper.*

"TRUE CHIVALRY." The following is related by Mr. Rush—"Sir Felton Harvey, aid-de-camp of the duke of Wellington, had lost an arm in battle. Whilst one of the battles in Spain was raging, the duke gave him an order to convey to another part of the field. Half across it, a French officer was seen galloping towards him. Sir Felton's sword hung by his side, though he could not wield it; it was his right arm he had lost, and the other held the bridle; but he faced the foe, looking defiance. As they swiftly drew near, the Frenchman raised himself on his stirrups, his sword uplifted. Discovering, at the very moment for the stroke, his adversary to be defenceless, he brings down his weapon in the form of a complimentary salute, and rapidly passes on. He gave his salute in silence." This was true chivalry.

BRIEF NOTICES.

We shall carefully refrain from entering into the merits of the matter, but having two or three times noticed the subject, we feel it right to say—that the *excitement* in Rhode Island, against the rev. Mr. Avery remains unabated. It would almost seem, indeed, that though acquitted by the verdict of a jury, he has yet to pass through the ordeal of public opinion.

According to the Dublin Journal, the number of Protestants who have emigrated from Ireland during the last few years is as follows—In 1829, 12,000; in 1830, 21,000; in 1831, 29,500; in 1832, 31,500—making a total of 94,000 during the short space of four years.

The New Haven Herald states that Messrs. P. S. Galpin & Co. being desirous of removing their carpet factory to the east bank of the harbor, contracted with Messrs. Wooding & Sperry, of Hamden, who effected the removal in a few days, bodily, without the workmen ceasing from their work. It was first taken up an ascent of 20 feet, and then conveyed about three-fourths of a mile. The building is 76 by 30 feet, and contains 16 looms, with apparatus.

John Randolph, at the time of his death, was in possession of 316 slaves, and 180 horses, of which 120 were blood horses.

With deep regret we annnunce the death of general *John Coffee.* He died on the 7th inst. in the 62d year of his age, at his residence near Florence, Alabama.

This brave man was one of the noblest specimens of an *American citizen soldier.* We saw him last winter on a visit to the president, to whom he had been a *right* arm throughout the war, and were greatly struck with the plain, unpretending, farmer-like appearance of one, who had been a thunderbolt in battle. He had nothing of "*the pride, pomp, and circumstance of glorious war*" about him. Although of exceedingly robust, Herculean person, he had not a *martial* look. His manners were gentle—the expression of his countenance quiet and thoughtful—and his whole air and aspect wore the appearance of serious, religious feeling.

And this tone of mind, roused to enthusiasm, characterized his soldiership. One of the bravest men that ever led a column to the charge, and inspiring all with his own energy, the animating motive in his own bosom, was *devotion* to his country.

[*Globe.*

According to a Berlin article of the 7th May last, the university of Berlin has forty-six regular and forty-four extra professors; forty-three private tutors—altogether one hundred and thirty-three teachers. There are eighteen hundred and thirty-two regular students, and from five to six hundred persons who follow courses of lectures.

Joel Clough, the murderer of Mrs. Hamilton, who was under sentence of death, made his escape from the Mount Holly state prison between Saturday night and Sunday morning last; but was captured about dusk on Sunday evening. He was discovered coming out of a swamp on the Rancocas, by a colored man, about three miles west of Mount Holly, who gave the alarm, and was soon joined by several persons. Clough made no resistance though he had an axe in his possession. He was taken back to prison, and was to have been executed yesterday.

A most foul and unnatural murder was committed in Pittsylvania county, Va. on the 10th instant by Armistead Craft, on the person of his brother, George Craft, jr. at the house of his father Philip Craft. Immediately after committing the deed the murderer fled; and the father was taken up on suspicion of having aided the escape of his son and thereby becoming an accessary after the fact; but after full examination before a court of justices, was discharged, the testimony not being sufficient.

The citizens of Lexington, Ky. held a meeting on the 10th inst. to take into consideration the expediency of establishing an orphan asylum in that place. A committee was appointed to solicit subscriptions and draft an address to the citizens of the city and county.

Melancholy—We learn, that recently, in a neighboring town, an effigy of the rev. E. K. Avery was suspended in a public situation, at some period in the night. In the morning it was seen by the people passing, and among others, by a young man, who had, for a brief space, been subjected to *mania melancholia.* He immediately came home, and observed to his mother and brother: "They say that the man hung up out there is intended to represent Mr. Avery—but it don't. I know what it's meant for—it's meant for *me!*" He seemed grieved, and "more in sorrow than in anger." About two hours after, he was found dead, having hanged himself with a cord. Thus it would seem, that in one instance at least the suspension of effigies has been attended with more immediately serious consequences, than the excitement of the public feeling, which they naturally enhance or engender.

[*Providence Journal.*

Mathew T. Scott, esq. has been appointed cashier of the U. States branch bank, at Lexington, Kentucky, in the place of Joseph Fowler, deceased; F. Dewees, teller, in place of Mr. Scott, and T. W. Hawkins, clerk, in place of Wm. T. Smith, deceased.

John Thaw, esq. has been appointed cashier of the branch bank of the United States, at Pittsburgh, in place of James Correy, esq. resigned.

Several cases of hydrophobia have recently been mentioned in the newspapers. Elicited by them, the following cure is published in the Boston Morning Post; of what efficacy it is to be considered, remains to be seen:—

"The inhabitants of Gadici have made the important discovery, that near the ligament of the man or beast bitten by a rabid animal, and becoming rabid, pustules of a whitish hue make their appearance, which open spontaneously about the 13th day after the bite; and at this time, they say, the first symptoms of true hydrophobia make their appearance. Their method of cure consists in opening these pustules, and making the patient spit out the ichor and fluid which run from them, often washing the mouth with salt water. This operation should be performed the ninth day after the bite. The remedy is so effectual, that with these people this hitherto incurable disease has lost its terrors."

The steamboat Bonnets of Blue has been recently lost between Savannah and Mobile. The passengers and crew with the exception of one negro were all saved.

A public meeting has been called in Edgefield, S. C. to take into consideration the construction of a branch from the Charleston and Hamburg rail road to the former town.

The manufacturers of iron in the city of Pittsburgh, have determined to abandon the present mode of weighing iron in *gross,* and adopt that used in weighing other articles of merchandise. This alteration to take effect on the first day of August next. The price of iron, however, is to be reduced, to correspond with the reduction in weight.

James M. Mason, esq. of Winchester, has been appointed by the executive a visiter of the university of Virginia, in the place of gen. James Breckenridge, deceased.

A meeting of the people of the county of Lunenburg, Va. will be held at their court house on the second Monday in August next, to take into consideration the propriety of an immediate public expression of their opinions in regard to the nomination of BENJ. W. LEIGH, esq. as a candidate for the office of president of the United States.

A splendid animal. There is now exhibited in Portland, Maine, a bull, seven years old, weighing three thousand five hundred pounds. He measures 11 feet 9 inches from his nose to his tail, girts nine feet, and is 5 feet 8 inches in height. He is of the improved short horn Durham breed.

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A letter from Vera Cruz, under date of 15th June, states that the yellow fever had carried off one-eighth of the population of that place within forty days.

General Solomon G. Krepps, a senator of Pennsylvania, died at Brownsville, Pa. on the 14th inst. of cholera. Gen. Krepps is highly spoken of as an able and useful senator.

FOREIGN NEWS.

From Liverpool papers to the 9th June, inclusive.

ENGLAND.

The question of rechartering the bank of England, was brought forward in the house of commons by the chancellor of the exchequer, on the 31st of May, and carried, and the plan as proposed by ministers has been subsequently acceded to at a meeting of the stockholders. The favorable result of this important question has given a fresh impulse to the commercial and moneyed affairs of England. Confidence being restored, the funds rose, money was plenty, and business was moving on with healthy action. The American merchants will be glad to learn that cotton in Liverpool had risen three-eighths of a penny, and that upwards of forty-seven thousand bags had been sold during the first week of June. We trust, however, says the New York Commercial, that speculation in this country will proceed with caution. Remember the fatal year of 1825.

On the 3d of June, the duke of Wellington brought forward a motion for an address to the king, calling on his majesty to enforce a strict neutrality in relation to Portugal, and charging the ministers ever since they had been secure in their places, with pursuing a course most injurious to the country. After a long debate the motion was carried; contents 88, non contents 68, majority against ministers 20.

The reply of the king to the address of the lords was presented by the marquis of Wellesley, lord Steward of his majesty's household, on the 6th. It was laconic, to the point, and gave little satisfaction to the party of the duke.

An address approbatory of the conduct of ministers had subsequently been introduced in the house of commons, and after a fiery debate carried; for the motion 361, against it 98, majority for ministers 263.

The discussion on the slave question came up in the house of commons on the 3d. Mr. O'Connell opened the debate, and spoke at great length in favor of immediate emancipation.—Lord Sandon followed, and for the purpose of harmonising, was also in favor of immediate emancipation; but offered an amendment, increasing the grant to the proprietors of slaves to twenty millions, and a loan of ten millions. The chancellor thought the sum too large. After much discussion, Mr. Stanley said, he *congratulated the country and the world* that the *fiat* had gone forth; that the abolition of slavery was inevitable; and that the question was now reduced to the matter of compensation. The first resolution was then put and carried; and as lord Sandon did not press his motion, the committee rose and had leave to sit again.

Lord King, baron of Oakham, died in London on the 4th of June, he is succeeded in his title by his son Peter, now lord King.

Prince George, the only son of the duke of Cumberland, is said to have become totally blind. He has been looked upon since the death of the duke of York as the probable occupant of the throne, and husband to the princess Victoria.

Disturbances continued in Ireland.

Sir Stratford Canning had arrived at Paris on his way from Madrid to London.

FRANCE.

A riot took place at Boveg, near Amiens on the morning of the 23d ult. The gen d'armes were compelled to retire, at first; but being reinforced were enabled to take five prisoners, whom they handcuffed and were about conducting them to Amiens. The sight of the handcuffs so incensed the citizens, that the mob was again rallied in great numbers, and the gen d'armes obliged to abandon their charge. A detachment from the garrison of Armieas arrived and quelled the riot without bloodshed.

The colliers in the neighborhood of Valenciennes, to the number of 5,000 had tumultuously assembled and committed great excesses. Ten thousand troops had marched against them for the purpose of quelling the insurrection.

HOLLAND AND BELGIUM.

England and France are said to have made a treaty with the king of Holland, in which they yielded to the latter those points for which he so strenuously contended. Belgium it is said is left in the precarious state in which William has thought proper to place her, occupying territory which she cannot keep, and not occupying all the parts belonging to her; without fixed boundaries, possessed of nothing which constitutes stability, inspires confidence, or insures the future happiness of a country. The elections in Belgium have resulted in favor of the Catholic interest.

GERMANY.

Serious disturbances took place at the fete of Hambach, and the Bavarian troops were compelled to charge the multitude; five persons were killed and fifty-four taken prisoners. Symptoms of disaffection had also been manifested by parties of college students.

TURKEY.

The viceroy of Egypt had ordered Ibrahim pacha to retire immediately behind the Taurus, with all his army.

The revolts against the sultan in Albania and Bosnia had become general. The Ottoman troops have been driven from all the places they occupied and the Turkish functionaries deprived of their employments. The Servians, from Vidin to Nissa, unanimously refuse to pay their taxes, and the Greeks of the districts of Verevin and Greneva are also in open rebellion against the grand seignor's government.

GREECE.

An order issued by the regency, declaring all Greeks foreigners who do not take an oath of fidelity to king Otho, had excited general discontent and in some places had been openly resisted.

ITALY.

An insurrection had broken out in Italy having for its object a republican government. The centre of operations was to be Chambery, and the Polish refugees were to aid. The plan is said to have been a simultaneous movement on the Sardinian states, France and the French parts of Switzerland.

PORTUGAL.

The accounts from Oporto are unfavorable to the success of Donna Maria's cause. The cholera was spreading throughout the kingdom.

THE PRECIOUS METALS.

From a late London paper.

An elaborate paper prepared in the foreign office has been laid before parliament, which decides the question as to the comparative productions of the American gold and silver mines during the last ten years, ending with 1829, and the periods immediately preceding. *This return exhibits a material falling off;* and although much of the diminution may, perhaps, fairly be attributed to the unsettled state of the countries in which the mines are situated, still there is abundant reason for concluding that the source itself is approaching to exhaustion. From this curious document we make the following abstract:—From 1790 to 1809, the mines of Mexico yielded gold to the value of £4,523,378, silver £94,429,303; those of Panama, gold £223,518, silver ——; Chili, gold £863,974, silver £944,736; Buenos Ayres, gold £1,862,955, silver £19,286,830. From 1810 to 1821, Mexico yielded gold £1,913,075, silver £45,388,729; Panama, gold £23,603, silver ——; Chili, gold £1,904,514, silver £878,188; Buenos Ayres, gold £2,161,940, silver £7,895,842; Russia, gold £3,703,743, silver £1,502,981. The returns from Monte Video are too vague to lead to any safe results. The comparative increase or decrease in periods of ten years is as follows:—Mexico from 1790 to 1799 and 1800 to 1809, in gold an increase of 16 1-10th, in silver a decrease of 2 2-5ths, on the whole a decrease of 1 3 5ths, as compared with the first period; from 1810 to 1819, in gold a decrease of 30, of silver a decrease of 48 3 5ths, on the whole a decrease of 47 4 5ths as compared with the first period; from 1820 to 1829, in gold a decrease of 78 7-10ths, silver a decrease of 56 2-5ths, on the whole a decrease of 57 2-5ths as compared with the first period. Panama from 1790 to 1799 and 1800 to 1809, in gold a decrease of 11 7-10ths as compared with the first period; from 1810 to 1819, a decrease of 93 3-10ths; 1820 to 1829, a decrease of 86 4 5ths. Chili from 1790 to 1799 and 1800 to 1809, in gold an increase of 65 4-5ths, silver a decrease of 31, on the whole an increase of 4 3-5ths, 1810 to 1819 in gold an increase of 339½, silver an increase of 30 4-5ths, on the whole an increase of 148 3-5ths; 1820 to 1829, in gold an increase of 55 2 5ths, silver a decrease of 81 3 10ths, on the whole a decrease of 31 9-60ths. Buenos Ayres 1790 to 1799 and 1800 to 1809, in gold an increase of 45 4-5ths, silver a decrease of 23 4-5ths, on the whole a decrease of 19 1-5th; 1809 to 1819, in gold an increase of 42 3 5ths, silver a decrease of 51, on the whole a decrease of 51¼; 1820 to 1829, in gold an increase of 42 3-5ths, silver a decrease of 70, on the whole a decrease of 62 3-5ths. From 1820 to 1829 Russia produced in gold £3,703,743, in silver £1,502,981. On the produce of the whole of these mines therefore from 1790 to 1799, and from 1800 to 1809, there has been, as compared with the first period, in gold an increase of 26 4-5ths, silver a decrease of 6 3 5ths, on the whole a decrease of 4 4-5ths; from 1810 to 1819, in gold an increase of 20 2-5ths, silver a decrease of 45 4-5ths; and from 1820 to 1829, in gold an increase of 74 3-5ths, silver a decrease of 56 3-5ths, and on the whole a decrease of 49 7-10ths.

WEST INDIA SLAVERY.

The following is the petition of the planters, merchants and others concerned in the West India colonies, to the king of England.

"We, your majesty's most dutiful and loyal subjects, being planters, merchants, mortgagees and others interested in the W. India colonies, approach your majesty in this period of our alarm and dismay, with a full confidence in your majesty's paternal feelings, which ensure the extension of your gracious protection equally to all your subjects—the weak as well as the powerful.

"We are threatened, through resolutions already proposed to parliament by one of your majestiy's principal secretaries of state, with no less, in our opinion, than the confiscation of our property—our title in our slaves, secured to us in every possible manner by legislative and legal authority, being proposed to be forcibly taken from us.

"The effects of this measure will be to preclude the owners from all possibility of beneficial cultivation of their estates. It will reduce them from a state of competence to one of destitution.

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"It will ruin such of us as, in our character of British merchants, have, under the faith of the guarantee of various acts of the British parliament, invested our fortunes—our entire dependence for the support of our wives and children—on mortgages of this very property. It is not more certainly, though more obviously, fatal to such of us, not a few in number, as are annuitants or claimants upon slaves only.

"We humbly submit to your most gracious majesty that injustice such as this, powerless as your petitioners are in comparison with their enemies, can never be sanctioned by the father of his people, through your majesty's giving your royal assent to a measure having such effects; unless the same shall be accompanied by an adequate compensation to all interested therein. We venture to represent to your majesty, that if the state, in the presumed exercise of a high moral duty, considers that the property of the West India proprietors in their slaves interferes with a national object, it has a clear course, as in all cases where the property of individuals so interferes, by offering to them a fair compensation for its surrender.

"We humbly assure your majesty that we shall not attempt to interpose unnecessary obstacles to such an object: but we claim your majesty's protection against any measures tending to deprive us of our positive and undeniable rights of property, which shall not have been matured with an equitable consideration of such rights, and have obtained our concurrence.

"We approach your majesty with increased confidence, feeling that we are laying our grievances not only before a benevolent and patriotic sovereign, but before the only one of our kings who has himself witnessed the enthusiastic loyalty and devotion of his subjects of the West India colonies, and is, of his own personal knowledge, aware of the calumnies and misrepresentations to which they have been exposed.

"Under these circumstances we lay ourselves at your majesty's feet, and humbly pray that you will not, by the exercise of your majesty's royal prerogative, sanction or authorise any act which shall be destructive of our rights of property, so repeatedly and so solemnly recognised by your royal predecessors, and the parliament of Great Britain, unless a fund should be previously provided for fair and sufficient compensation."

AXE FACTORIES AT NEW HAVEN.

From the New York Mercantile Advertiser and Advocate.

PRESENT TO THE PRESIDENT OF THE UNITED STATES. We know not when we have been more gratified than on the inspection of twelve wood axes, presented to the president of the United States, while visiting the manufactory at which they were made, at New Haven, Connecticut.

These axes weigh from 6¼ to 7¼ lbs. each, and were made by twelve different workmen, eleven of them being the first essay, only one out of the twelve having failed to complete his axe on the first trial. These specimens of the great perfection to which working in iron and steel has arrived in this country, were examined in our office by many persons who called in, and all admitted them to be of the most complete and splendid finish; their blades being polished as bright as silver, and each containing 1½ lbs. of steel; on a very close inspection not a flaw of any sort could be discovered. They are handsomely packed in a neatly made and highly polished *hickory* box, and will be exhibited at the Merchant's Exchange for a day or two, being on their way to Washington.

They were made at the manufactory of Alex. Harrison, esq. who now averages one hundred and fifty per day, and can with his present arrangements extend the daily product to 200. He usually makes his axes to contain but one pound of steel, that quantity being considered sufficient generally; any quantity, however, can be used, to order. The building used for this manufacture is 150 by 50 feet; the yard enclosure, for containing coal, iron and other materials, 200 by 130 feet. A steam engine of 20 horse power is used, which consumes one ton of Lackawana coal per day, one ton of the same is consumed in the forges; fifty hands are employed; five grindstones of one and a half to two tons each are kept in constant motion, as well as two smaller ones for finishing. All hands in the establishment are remarkably healthy, no inconvenience whatever arising to the grinders.

How cheering it is to find that the useful arts are advancing to such a high state of perfection among us, consuming our raw materials, employing our citizens, furnishing employment to our farmers to feed them, our mechanics to clothe them, and our miners to keep them supplied with coal and iron.

Cold indeed must be the feelings of that American, who does not experience a pride as he reads the accounts which tell us of the rapid strides we are making in the supply of very many of our wants, at reasonable prices, by the employment of our own people, who are living comfortably and happily under a provident government; every industrious man enjoying his political, civil and religious freedom, and maintaining his rank in society.

It is in this latter glorious fact, that is seen the real and true advantage of our republican institutions. It is here, in the country of Washington, that the sublime scriptural truth, that the "laborer is worthy of his hire" is truly exhibited. Long may this state of things continue to exist. It is the number of honest, industrious mechanics, farmers, and other working men, that are the real substance of the country. In vain would Providence have blessed us with inexhaustible mines of the richest ore and beds of coal—in vain would our streams furnish the musical waterfall—in vain would rail roads and canals be constructed, were it not for the sweat which moistens the brow of our hardy and industrious yeomanry, who are kept employed by the capital and enterprise of those who have, under the same wise institutions, accumulated a sufficiency to embark in establishments such as that of Mr. Harrison, which has now been in operation only six months.

New Haven is famous for the manufacture of axes, Messrs. Collins & Co. of the same place, having one on a much larger scale and equal celebrity. We understand the president was highly gratified with the present of these axes, and wrote a very handsome letter of acknowlegment on their receipt. With a commerce that whitens every sea, colleges and universities in countless numbers, smiling fields of the richest verdure, and golden harvest with boundless stores; with facilities of interchange increasing daily, and a people industriously employed—in fine, with every other blessing, this great country wants nothing but a steady pursuit of its best interests, and thankful hearts to a kind Providence, to realise the most sanguine wishes of the purest patriotism, and to continue to the remotest ages the home of liberty and the asylum of peace.

RELEASE OF THE MISSIONARIES.

The release of Messrs. Worcester and Butler is one of the leading *electioneering* topics in Georgia—and the friends of governor *Lumpkin*—to defend him—have caused the publication of the following papers—a proceeding which does not appear to have been anticipated by the authors of them—for it is expressly stated that their views were "communicated only to yourself"—that is, gov. L. who has not been pleased to regard them as confidential. The proceeding will be esteemed an *extraordinary* one; but we shall not make any present comments upon it.

STATE OF NEW YORK, ALBANY, DEC. 18, 1832.

His excellency Wilson Lumpkin, gov. of the state of Georgia.

DEAR SIR: We beg leave to address you upon a subject with which, we confess, we have no right to interfere, and in reference to which your feelings must, long ere this time, have been sufficiently harrassed. We refer to the refractory missionaries now confined in the penitentiary of your state, in pursuance of a sentence of the court of your state, and upon conviction for a deliberate and unjustifiable violation of the laws of your state.

It is not our object to enter either into an examination of the facts of their case, or into a discussion of the law which governs it, but to make to you friendly suggestions, proceeding from the best of motives, and which, being communicated only to yourself, can do no harm, if they do no good. Still it is proper, that we should precede these suggestions with such our clearly entertained opinions, in relation to the intrinsic merits of the impending controversy as may satisfy you that we are not now, as we at no previous period have been, ranged upon the side of those who arraign the conduct of Georgia, impugn the motives of her legislators and other public officers, or question the soundness of the principle she has assumed, that no independent sovereignty can exist within her limits, and that her laws within those limits, subject only to the laws and treaties of the United States, must prevail and be enforced; and that we may not be misunderstood, we further distinctly say that we do not consider the treaties made between the government and the Indians as partaking, in any degree in a national sense, of the character of treaties with independent nations, but rather hold them as contracts or articles of agreement, subject in all cases to the constitution of the United States and the laws of congress; and we consider it inconsistent, wholly and absolutely inconsistent with that provision of the constitution, which guarantees to all the states of this confederacy a republican form of government, that the president and senate should have the power to make a treaty which should constitute or recognise an independent sovereignty within one of these states. You will not understand us as admitting, or even for one moment supposing, that this has been either done or attempted by those authorities; but we are thus explicit, that no doubt as to our opinions may weaken the force of the suggestions we are about to make.

Thus much being said as to the impressions we entertain in relation to the law and the right of the case, we now speak as politicians. From the unpleasant agitations which, at the present time, are convulsing, in an unusual manner and to an unusual extent, another of the independent states of the union, we feel the deepest interest that all danger of conflict between the authorities of Georgia and any of the authorities of the general government should be put at rest. This, we believe, may be done by the pardon of those misguided men. Our reasons for this belief grow out of the late election. No subject was more fully submitted to the people, pending that contest, than the course of the administration in relation to the Indians and the opinions entertained by the president, which opinions, it was well known, would be carried out in practice, in case of his re-election: and we feel safe in saying, that no question involved in the canvass was labored so assiduously and so ingeniously on the part of his opponents. Still the result has overwhelmed them with astonishment and shame, if not with conviction of their errors. That same result has furnished your patriotic state with a judgment in her favor, paramount to all others under this government, the clearly expressed judgment of the American people.

Under these circumstances, we cannot but believe that the exhibition of magnanimity on the part of the state, by the par-

don of the imprisoned missionaries, would have the most happy effect upon the public mind of the whole union, while it would take away the ground of pending litigation which desperate men may try to push to an unpleasant result; and we venture to ask this exercise of the important prerogative resting in your hands, because we are convinced that your patriotic fellow citizens would, after the events which have transpired within the last few weeks, sustain you in the act, for the sake of the state itself. We are sure they would do so for the quiet and peace of the union.

Excuse us for this unauthorised intrusion upon your notice and your official duties; and believe us, with the highest respect, your obedient servants, SILAS WRIGHT, jr.
A. C. LAGG,
JOHN A. DIX.

His excellency Wilson Lumpkin, governor of the state of Georgia.

The undersigned citizens of the state of New York, having bestowed much attention on the proceedings in the case of Samuel A. Worcester and Elizur Butler, and viewing those proceedings as likely to affect the welfare of the other states and the whole union, feel it their duty to submit to your consideration the result of their reflections on the subject. As this expression of their opinions and wishes, springs from no feelings adverse to Georgia, but on the contrary is promoted solely by a regard to what they sincerely believe to be the true interest of all parties, they flatter themselves you will not deem it either obtrusive or improper.

Permit us then to state that under all existing circumstances, we deem it a matter of great moment, that the prisoners referred to, should be set at liberty, without delay, which as we suppose, can only be done by discharging them under a pardon emanating from the state authority—and such a pardon we earnestly recommend.

The result of the recent election must render it apparent, that the removal of the Cherokees is deemed expedient by the nation; and under this impression, the undersigned are of opinion that very many persons, who have hitherto counteracted their removal, will now deem it their duty to co operate in bringing it about; and they have reason to believe and confidently hope, that an influence will be applied to reconcile the tribe to such a result, by those very persons who have hitherto labored to prevent it.

Under such a change of circumstances, the undersigned cannot see any possible advantage in the further confinement of the missionaries. On the contrary they conceive that since it is apparent that the Indians must be removed, the release of the missionaries may be of use in reconciling the Indians to that measure. For we cannot believe after what has taken place, that the missionaries, any more than ourselves, can doubt the expediency of acquiescing in the policy of the general government, sustained, as it seems to have been, by the decision of the American people. In the present state of this question, and of our public affairs, every cause of irritation should be removed as speedily as possible, and as we sincerely believe that it is in your power by adopting the course suggested, to render an immense service to the nation, without injuring in the least the interests of your own state, we most respectfully solicit to the subject your early and favorable consideration.

We are, with sincere respect, your most obedient servants.

Eliphalet Nott,	W. C. Marcy,
R. Hyde Walworth,	Greene C. Bronson,
Simeon Dewitt,	B. T. Welch,
B. F. Butler,	S. Van Rensselaer,
David Sutherland,	John Savage,
Ab. Van Vechten,	John Ludlow,
William B. Sprague,	J. W. Campbell,
William Lockhead,	Isaac Ferris,
	H. Bleecker.

Albany, December 17, 1832.

LATE TOUR OF THE PRESIDENT.

While the president of the United States was on his late eastern tour, we cut out and laid aside a multitude of accounts of the proceedings had at different places, in a supposition that much matter for *record* would be gleaned from them; for this purpose we have overhauled the mass, and are compelled to express some surprise at the poverty of its contents, and sameness and tameness of the incidents mentioned. There is enough, however, of the ridiculous and rude.

The following are some of the few articles which we think should be added to the record:

Among the various and numerous anecdotes related in connexion with the journeyings of the president, we have noticed no one more pleasing than this from the Providence Journal.

The venerable Moses Brown called upon the president, at his lodgings, and was ushered into a parlor on the lower floor. The president came down to receive him, and was addressed as follows: "Friend Jackson, having been acquainted with thy predecessors, I thought I would call upon thee." To which the president replied, that "he was happy to meet a man so venerable in years, in the possession of all his faculties, and hoped that God would continue to bless him." Mr. Brown expressed a desire that he might visit the Friends' school, before he should leave the city, which he accordingly did in the afternoon, where he again met the venerable patriarch, whom, on taking leave, he addressed in the following terms: "Mr. Brown, I have examined your institution, and find no imperfection in it—God bless you, sir." To which the sage of almost a century replied, "I wish thee a safe return to thy home—the Lord bless thee."

Address of governor Lincoln to the president.

The following is the address of governor Lincoln, of Massachusetts, to the president of the United States, in the hall of representatives, in Boston:

Mr. President—The legislature of the commonwealth of Massachusetts, representing sentiments and feelings of their constituents, learnt, with great satisfaction, during their recent session, your intention to visit this section of the union. Aware that the time proposed for your journey would not allow to the members the desired gratification of personally presenting to you their respectful salutations, by a concurrent and unanimous vote of both branches, the honor of tendering to you the congratulations of the government, upon your arrival in the capital, and the hospitalities of the state, during your continuance in it, was specially assigned to the executive.

This office, it is most grateful to me, to be permitted to discharge. And I have now the happiness, within these halls, where the resolution of the legislature was adopted, and in the presence of this assembled multitude of your fellow citizens, *in the name of the government and people of the state*, to bid you WELCOME TO MASSACHUSETTS!

Welcome, sir, most cordially welcome to all of interest, which can here be offered, worthy your attention and enjoyment!

We desire to present to you, as the chief *magistrate of the* nation, the evidences of the prosperity of this portion of a common country, over which, by the free suffrages of your fellow citizens you have for a second time, been called to preside.

We would point to our *agricultural* resources, and to the condition of an enlightened and independent yeomanry, the proprietors and cultivators of a rugged yet productive soil, which is alike, the occasion and the reward of a virtuous and untiring industry.

We would exhibit the amazing result of the progress of that spirit of enterprise and improvement in *manufactures* and the *arts*, which has filled every valley with busy population, and made every waterfall subservient to the devices of human skill and ingenuity.

We would invite you at the same time to observe, in our city and commercial towns, how that trade flourishes, in the connexion of domestic product with home consumption, and the exchange of the fabrics of the workshop for the raw material, which is the growth of every clime.

And more especially, would we commend to your notice our public institutions, the schools and seminaries of learning, those noble monuments of our fathers' wisdom, and patriotism, and piety; and the hospitals, and charitable asylums for the relief of the destitute and the afflicted, the beneficent provisions of more recent time.

We speak not of these things in the pride of local vanity. They are the legitimate fruits of our happy republican form of government, a government, in the establishment of which we rejoice to recognize the active agency of your early years, and to the support of which you have signally contributed, in various important stations in maturer life. They spring, as do all our political and civil enjoyments from that *national sovereignty* and *independence* which you have so valiantly defended, when assailed by foreign foes, and that *union under the constitution*, which, with equal patriotism and glory, you no less triumphantly asserted, on a late memorable occasion, against *internal disaffection and disloyalty*?

May this visit, undertaken for the purpose of becoming better acquainted, from personal observation, with the interests and sentiments of the people, confirm those patriotic views, which you have expressed, of the mutual dependence of each section of the country upon every other, for the continuance of the prosperity of the whole. And may it be your happiness, as it has been that of your illustrious predecessors, when the labors and responsibilities of the highest station of earthly distinction shall be laid aside, to enjoy in the tranquillity and dignity of venerated age, the cherished respect of a nation of freemen, benefitted by your public life, and grateful for your many services.

Mayor's office (New York) June 13, 1833.

The mayor has received from the British consul, sixty dollars—from M. Van Schaick, esq. one hundred and sixty-eight dollars—from Washington Irving, esq. one hundred and ninety-eight 25 100 dollars, making $426 25—being the sum of the contributions from the president's suite and the company on board the North America, on Wednesday last, for the benefit of the unfortunate man who was injured in firing the salute on board the revenue cutter.

The mayor has received this day, the following letter, with its contents, for the foregoing object.

New York, June 13, 1833.

DEAR SIR—Understanding that you have under your direction, the funds raised by subscription for the relief of the unfortunate seaman who lost his hands while assisting in firing the salute to the president as he approached the city yesterday, I hereby enclose to you, in conformity with instructions from the president, the sum of fifty dollars, which he requests you will apply to the same object. Your obedient servant,

A. J. DONELSON.

Washington Irving, esq.

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[A similar letter, and enclosing also fifty dollars, was sent to Kirk Boot, esq. at Lowell, by order of the president, for the relief of two persons who were also mangled, when employed in firing a salute.]

Presentation of a bible.

While the president was at Hartford, Messrs. Andrus & Judd, presented him with a copy of their stereotype edition of the bible, elegantly bound. The president returned his acknowledgments for the present in the following terms:

Hartford, June 17th 1833.

GENTLEMEN—I return you my thanks for the sacred volume you have presented to me, and for the personal kindness you have expressed. I fervently unite with you in your prayer for our beloved country, and I supplicate Providence to incline the hearts of all our citizens to keep its holy law—to realise the inestimable blessings we enjoy—and to become as distinguished for genuine piety among the nations of the earth, as they are for the high favors, national and political, which have been vouchsafed to them.

For myself, gentlemen, I humbly rely upon the blessing of God to guide me in the performance of the high duties which my countrymen have assigned to me—commending all with all their requests to his care, and not doubting, as he led our fathers to acquire the independence we enjoy, he will lead our sons in his own good way to defend and maintain it.

I am very respectfully, your obedient servant,

ANDREW JACKSON.

Messrs. Andrus & Judd.

The president and the grand lodge.

The Boston papers contain the proceedings of the grand lodge of Massachusetts in reference to the visit of president Jackson to that city. It appears that as soon as the president arrived in Boston, the grand lodge was called together, and a resolution passed appointing a committee to wait upon him, and, in the name of the lodge, to "tender to him the congratulations of the fraternity in that jurisdiction—to express their deep and grateful sense of the firm, discreet and honorable manner in which he has sustained his masonic relations during a period which the enemies of the institution have rendered somewhat embarrassing to brethren in conspicuous public stations—to assure him of their hearty good wishes and prayers for his future health, prosperity and happiness, and to invite him to honor the grand lodge with a visit on the evening of the 24th of the mouth, at a special communication to be called for that purpose."

In reply to the invitation, the president said he was unable to visit the lodge on the 24th; but if another time could be selected, he would take pleasure in making the visit. The time was accordingly changed, and the grand lodge and invited brethren, to the number of between three and four hundred, were accordingly assembled, at an early hour, for the purpose of paying their respects to their distinguished brother. About 8 o'clock, the committee appointed to escort the president to the hall came into the grand lodge, accompanied by the hon. Joel R. Poinsett, (one of the president's suite), and presented the grand master the following letter:

Boston, June 23, 1833.

BRETHREN: I anticipated the pleasure of waiting upon the grand lodge of Massachusetts this evening, and of tendering to them in person my thanks for the cordial terms in which they were pleased to notice my arrival within their jurisdiction; but finding myself a good deal fatigued after the labors of the day, I must ask their indulgence, and beg them to accept in this form the assurance that I justly appreciate their kindness and good will, and trust that their interests, as an institution calculated to benefit mankind, may continue to prosper. I am, very respectfully, your obedient servant, ANDREW JACKSON.

R. W. Benja. Russell, Francis J. Oliver, and others, committee of the grand lodge of Massachusetts.

After the letter was read, the hon. brother Poinsett addressed the grand master as follows:

"*Worshipful brother:* The president of the United States charged me to express to the brethren of the grand lodge of Massachusetts his sincere regret at being prevented, by indisposition, from accepting their invitation to meet them in the temple, and from tendering them in person his acknowledgments for their attentions. He begged me to assure them that he shall ever feel a lively interest in the welfare of an institution with which he has been so long connected, and whose objects are purely philanthropic; and he instructed me to express to them the high esteem and fraternal regard which he cherishes towards them all."

We shall close our selections for the present, by recording the following remarks of the editor of the "Richmond Enquirer:"

We have never had any very great *penchant for presidential tours* throughout the country. We were not very much delighted with the descriptions we have read of president Washington's tour—and the excursion of Mr Monroe, during his first term of service, was sufficient to satiate and sicken us. We never witnessed any good which it produced in the measures of his administration. And we expressed at the time the disgust, which many of the attentions he received were so well calculated to inspire in the mind of a republican. They were more like the homage of subjects to their ruler, than of a free people towards their first magistrate. They partook more of the pomp of monarchy—than of the simplicity of the republic.

For our own parts, we would much rather that Andrew Jackson had remained at Washington, or visited the Hermitage, than have gone upon such an excursion as the present. He cannot indulge the simplicity of his own character; nor absolutely regulate the manners of others by his own taste. He cannot repress the excessive attentions which will be paid to him, or the sycophantic panegyrics, and the overloaded puffs, of some of the newspapers. We have already seen the most ridiculous anecdotes told—things which would be scarcely tolerable in the acting—about ladies, and girls, and private parties, and select coteries—but the repetition and the flaunting of them in the newspapers, are in the vilest taste! We beg our brethren of the north to avoid all such examples: "they are more honored in the breach, than in the observance." Yet amid all these superfluous, and many of them silly, descriptions, we cannot fail to perceive that the president has been received with a cordiality of kindness, and a sincerity of respect, which bespeak the great popularity of the man and his administration.

☞There is some "excitement," in several places, because of the expenses incurred on account of the president's visit. In New York they are reported to have amounted to from seven to nine thousand dollars—at New Haven, the tavern bill is put down at $500, &c. We do not admire such exposures. They are probably the effect of the "exclusiveness" which we have several times mentioned, or the contests of "rival chiefs"—some of whom were not well pleased!

MR. WEBSTER AT PITTSBURGH.

From the Pittsburgh Gazette, of July 9.

DANIEL WEBSTER.

As already stated, this distinguished statesman reached town on Thursday afternoon last, under the escort of the mayor and a numerous cavalcade. The exchange hotel, at which he took up his quarters, has been througed ever since by crowds of eager visiters, without regard to party, anxious to see and testify respect to him whom all unite in regarding as an intellectual giant, on whom the constitution itself did not disdain to lean at a moment of imminent peril. Agreeably to previous arrangements, he was waited on by a committee of forty of our most respectable citizens, to welcome him to Pittsburgh, to proffer facilities for seeing to advantage whatever he might deem worthy of examination, and to invite him to a public dinner. This last testimonial of respect was declined, for reasons, in the force of which the committee acquiesced. Mr. Webster intimated strongly in conversation, as we learn, that his great object was to see as much as possible, during his limited stay, of the west, of the people and the country, in a plain way—and that a public dinner, with its forms, etiquette and necessary limit, seemed calculated to restrain and obstruct, rather than to facilitate, the free and unceremonious kind of intercourse which he desired. The following is a copy of his written reply:

Pittsburgh, July 5th, 1833.

GENTLEMEN—I hardly know how to express my thanks for the hospitable and cordial welcome with which the citizens of Pittsburgh are disposed to receive me, on this my first visit to their place. The terms in which you express their sentiments in your letter of yesterday, far transcend all merits of mine, and can have their origin only in spontaneous kindness and and good feeling. I tender to you, gentlemen, and to the meeting which you represent, my warmest acknowledgments. I rejoice, sincerely, to find the health of the city so satisfactory; and I reciprocate with all the people of Pittsburgh, the most sincere and hearty good wishes for their prosperity and happiness. Long may their city continue what it now is, an abode of comfort and hospitality, a refuge for the well deserving from all nations, a model of industry, and an honor to the country.

It is my purpose, gentlemen, to stay a day or two among you, to see such of your manufactories and public institutions, as it may be in my power to visit. I most respectfully pray leave to decline a public dinner, but shall have great pleasure in meeting such of your fellow citizens as may desire it, in the most friendly and unceremonious manner. I am, gentlemen, with very true regard, yours, DANIEL WEBSTER.

To *hon. James Ross and others, gentlemen of the committee.*

In deference to Mr. Webster's wishes, the idea of a formal dinner was abandoned; but as the anxiety seemed intense for some collective expression of public admiration, it was decided to invite him to meet our citizens at the spacious grove of Mr. Miltenberger, on Monday afternoon at 4 o'clock. The change of plan was judicious, and the scene a truly gratifying one. Refreshments of a plain kind were spread around, under the charge of the committee; but the tables could serve only as a *nucleus* to the vast multitude. Mr. *Webster* moved freely about the beautiful grounds, recognizing his numerous visiters of the preceding days, who were led, by the frank and engaging cordiality of his manners, to become, in turn, the introducers of such as had not before enjoyed the pleasure of taking him by the hand. His honor, the mayor, at length called to order, and addressed the company pretty much as follows:

"I have to ask, gentlemen, your attention for a few moments.

"We are met here to mark our sense of the extraordinary merits of a distinguished statesman, and public benefactor. At his particular request, every thing like parade or ceremonial has been waived; and, in consequence, he has been the better enabled to receive, and to reciprocate, the hearty and sponta-

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neous expression of your good will. I am now desired to attempt, in your name, to give utterance to the universal feeling around me.

"*Gentlemen*—We are this day citizens of the *United* States. The union is safe. Not a star has fallen from that proud banner around which our affections have so long rallied. And when, with this delightful assurance, we cast our eyes back upon the eventful history of the last year—when we recal the gloomy apprehensions, and perhaps hopeless despondency, which came over us—who, gentlemen, can learn, without a glow of enthusiasm, that the great champion of the constitution—that DANIEL WEBSTER—is now in the midst of us. To his mighty intellect, the nation, with one voice, confided its cause—of life or death. Shall there be withheld from the trumphant advocate of the nation, a nation's gratitude? Ours, gentlemen, is a government not of force but of opinion. The *reason* of the people must be satisfied before a call to arms. The mass of our peaceful and conscientious citizens cannot, and ought not—except in a clear case—to be urged to abandon the implements of industry for the sword and the bayonet.—This consideration it is, that imparts to intellectual pre-eminence in the service of truth, its incalculable value. And hence the preciousness of that admirable and unanswerable exposition which has put down, once and forever, the artful sophisms of nullification.

"If, gentlemen, we turn to other portions of the public history of our distinguished guest, it will be found, that his claims to grateful acknowledgment, are not less imposing. The cause of domestic industry, of internal improvement, of education, of whatever, in short, is calculated to render us a prosperous, united and happy people—has found in him a watchful and efficient advocate. Nor is it the least of his merits, that, to our gallant *navy* Mr. Webster has been an early, far-sighted, and persevering friend. Our interior position cannot render us cold and unobservant on this point, whilst the victory of Perry yet supplies to us a proud and inspiring anniversary. And such is the wonderful chain of mutual dependence which binds our union, that, in the remotest corner of the west, the exchangeable value of every product must depend on the security with which the ocean can be traversed.

"Gentlemen, I have detained you too long; yet I will add one word. I do but echo the language of the throngs that have crowded round Mr. Webster, in declaring, that the frank and manly simplicity of his character and manners, has created a feeling of personal regard which no mere intellectual ascendancy, could have secured. We approached him with admiration for the achievements of his public career—never supposing, for a moment, that our hearts could have aught to do in the matter; we shall part, as from a valued friend, the recollections of whose virtues cannot pass away."

To which Mr. *Webster* replied.*

Mr. Mayor and gentlemen—

I rise fellow citizens, with unaffected sensibility, to give you my thanks for the hospitable manner in which you have been kind enough to receive me, on this, my first visit to Pittsburgh; and to make all due acknowledgments to your worthy mayor, for the sentiments which he has now seen fit to express.

Although, gentlemen, it has been my fortune to be personally acquainted with very few of you, I feel, at this moment, that we are not strangers. We are fellow countrymen; fellow citizens; bound together by a thousand ties of interest, of sympathy, of duty; united, I hope I may add, by bonds of mutual regard. We are bound together, for good or for evil, in our great political interests. I know that I am addressing Americans, every one of whom has a true American heart in his bosom; and I feel that I have also an American heart in my bosom. I address you, then, gentlemen, with the same fervent good wishes for your happiness—the same brotherly affection—and the same tokens of regard and esteem, as if, instead of being upon the borders of the Ohio, I stood by the Connecticut or the Merrimack. As citizens, countrymen, and neighbors, I give you my hearty good wishes, and thank you, over and over again, for your abundant hospitality.

Gentlemen, the mayor has been pleased to advert, in terms beyond all expectation, or merit of my own, to my services in defence of the glorious constitution under which we live, and which makes you and me, all that we are, and all that we desire to be. He has vastly overrated and exaggerated any efforts of mine, but he has not overrated the importance of the crisis to which his remarks allude.

Gentlemen, it is but a few short months since dark and portentous clouds *did* hang over our heavens, and *did* shut out, as it were, the sun in his glory. A new crisis had arisen in the history of this government. For forty years our government had gone on, meeting with occasional resistance, incidental, or ill directed—not concerted. But now, a time had come, when authority of law was resisted by the authority of law—when the power of our general government was resisted by the arm of a state government, and when military force, under all the sanctions of state constitution and state law, was threatening to impede the operations of the federal government! That was, gentlemen, a crisis. Every one felt it to be such. I, and every good citizen of the country, felt it to be such. A general anxiety pervaded the breasts of all who partook of the glory of their country at home—and how was it abroad? Why, every intelligent friend of human liberty throughout the world, looked with amazement at the spectacle which was exhibited. In a day of unquestioned prosperity, after half a century's happy experiment—when we were the wonder of all the *liberal* men in the world, and the envy of all the *illiberal*—when we had shown ourselves to be fast advancing to national renown—what was threatened? Disunion! There were those among us, who wished to break up the government, and scatter the four and twenty states, into four and twenty sections and fragments!

Gentlemen, it was at this moment, that the president of the United States, true to every duty—comprehending and fully understanding the case, came forth, by his proclamation of the 10th of December, in language which inspired in me new hopes of the duration of the republic. It was patriotic, and worthy to be carried through at every hazard. Gentlemen, I speak without reserve upon this subject, I have differed with the president, as all know, who know any thing of so humble an individual as myself, upon many important subjects. In relation to internal improvements—rechartering the United States bank—perhaps, in the degree of domestic protection, and the disposition of our public lands, I have been not able to see the interests of my country in the way which he did. But when the crisis arrived in which our constitution was in danger, and when he came forth like a patriotic chief magistrate, I, for one, taking no council but of patriotism—feeling no impulse, but the impulse of duty—felt myself bound to yield, not a lame and hesitating, but a cordial and efficient support to his measures.

Gentlemen, I hope that the result of that experiment may prove salutary in its consequences, to our government, and to the interests of the community. I hope that this signal expression of public opinion, which has for the time put down the despotism of nullification, may produce a lasting effect throughout our whole country. I know full well, that popular topics may be urged against the proclamation. I know it may be said, in regard to the law of the last session of congress, that if such laws are to be maintained, congress may pass what laws they please, and enforce them. But this argument forgets, that members of congress are but the agents of the people, chosen at short intervals, and always removable at pleasure, by the people, whose servants in the national legislature, are as much subservient, and as willingly obedient, as any other of their servants. It is easy for those who wish, and who pursue, measures calculated to break up the union, to raise the cry of consolidation. But I repel it. I am no consolidationist—I disclaim it. I wish to preserve the constitution, without addition or diminution of one jot or tittle. For the same reason that I would not add, I would not withdraw. Those who have placed me in a public station, placed me there, not to alter the constitution, but to administer it. If a change be desired, our masters must make that change—if alterations are required, you, and the rest of your fellow citizens must make the change. The constitution is our power of attorney—our letter of credit—our credentials—we are to act accordingly, without interpolation or alteration, honestly and truly. The people of the United States—they, and they alone, can tread it under foot, but their servants have no such power.

And what is the ground for this cry of consolidation? I maintain that the measures recommended by the president and adopted by congress, were measures of self defence. Is it consolidation to execute the laws? Is it consolidation to resist the force that is threatening to upturn our government? Is it consolidation to protect officers in the discharge of their duty, from courts and juries, who are previously sworn to decide against them?

Gentlemen, I take occasion to remark, that, after much reflection upon the subject, and after all that has been said about the encroachment of our general government upon the rights of the states, I know of no one power exercised by the general government, which was not admitted by the immediate friends and foes of the constitution to have been conferred upon it, by the people, when that instrument was adopted. I know of no one power which every body did not agree, in 1789, was conferred on the general government. On the contrary, there are several powers, and those, too, among the most important for the interests of the people, which were then allowed to be conferred by the constitution of the United States, which are now ingeniously doubted, or clamorously denied. Gentlemen, upon this point I shall detain you with no further remarks. It does, however, give the most sincere pleasure to say, that, in a long visit through the states west of you, and in the great state north of you, as well as in a tour of some days' duration in the respectable state to which you belong, I find but one sentiment in re-

*The Pittsburgh Gazette informs us that the sketch of Mr. W's speech is furnished by Mr. M. T. C. Gould, stenographer, who was much indisposed while making his notes—and hence the report is less precise and accurate than might have been expected. Adding—"A careful reader will, perhaps, in some places, perceive that the connection of the argument is not quite so close and logical as in the deliverance, and that abrupt transitions sometimes occur. No opportunity was afforded to submit the report to the revision of Mr. Webster. The only material deficiency, however, is in the remarks in relation to education. The reporter lives at a distance from Pittsburgh, and in his haste to forward the report by an opportunity which presented, was compelled to furnish a mere skeleton of a portion of that part of the speech, with a request that the committee of arrangement would fill it up. That committee, however, thought it better to omit it entirely, rather than to supply from memory."

And Mr. Gold himself says—"the state of my health is such, that I have not read the MSS. as I usually do, with reference to the sense and construction of sentences."

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gard to the conduct of the government upon this subject. I know that those who have seen fit to entrust to me, in part, their interests in congress, approve of the measures recommended by the president. We see that he has taken occasion, during the recess of congress, to visit that part of the country; and we know how he has been received. No where have hands been extended with more sincerity of friendship; and for one, gentlemen, I take occasion to say, that, having heard of his return to the seat of government, with health rather debilitated, it is among my most earnest prayers, that Providence may spare his life, and that he may go through with his administration, and come out with as much success and glory as any of his predecessors. [*Great applause.*]

Your worthy chief magistrate has been kind enough to express sentiments favorable to myself, as a friend of domestic industry. What a world of remark does that suggestion open—when standing at the confluence of the two streams that constitute the Ohio, in the midst of a population distinguished for their domestic industry, family comforts—the means of education, and the means of providing for their families by their industry. What is not comprised *here*, in "*the means of protecting domestic industry?*" Next to the constitution itself, there can be no question of more absorbing interest, than the protection of our own domestic manufactures. I do not mean any particular class, but the whole, as comprehended under that system which provides for our wants—that system whose essence, and object, and life it is to administer compensating rewards to American manual labor.

Gentlemen, those of you, who have taken any pains to inquire into the history of that part of the country to which I belong, know, that in the quarter with which I am more immediately connected, the people were not early to urge upon the government protection by high duties. Indeed, candor obliges me to acknowledge, that, when the act of 1824 was passed, neither he who now addresses you, nor those with whom he acted, were ready or willing to take the step which that act proposed. They were not prepared to act; they doubted the *expediency*. It passed, however, by the great and overwhelming influence of this central section of country, New York, Pennsylvania and Ohio. We acquiesced; we yielded to it, adopted it, and gave to our capital and labor, such direction as would enable us to conform to the policy of the country. We have become wedded to it, and identified with it, till I know of no shade of difference between the interests of Pennsylvania and Massachusetts. We shall not yield it without a struggle. Neither shall we yield the principle of protection without a severe struggle, under any circumstances whatever. And who would choose to yield it? Who, standing here, and looking round upon this community and its interests, would be bold enough to touch the spring to so much industry and so much happiness? Who would stop the mouths of those vast coal pits?—arrest the cargoes that are now running down a river, the noblest in the world, and which stretches over the finest territory possessed by any government? Who would quench the fires of so many steam engines? It cannot be done, without great public calamity, and great private distress.

I have said, that I am in favor of protecting American manual labor—and after all that has been said, I have come to the conclusion, that, to leave American manual labor to bear a competition with the unpaid and half fed labor of Europe, would produce a state of things to which our country can never submit. This is the reason why I maintain the policy of the American System. I see in my own country, and I believe it is the same in this, that its stimulus to labor, has been its offering a fair compensation for labor. When I say our country, I mean from Penobscot to New Orleans; for nine-tenths of the whole, belong to the industrious, productive, laborious classes. Dead capital is in but few hands; and this system does not promote the interests of the capitalist one tithe part that it does those of the laborer, the industrious man who oversees, or labors upon, the capital of another. Is it not this great stimulus which now applies itself to our whole society, and sets so many wheels in motion? Is it not the compensating price of labor—is it not, that labor is high and the means of living low? I want no other proof, that God has blessed us with a happy country and generation.

Suppose we compare ourselves with other countries—I see many whom I know to be emigrants from other countries. Why is the native of Ireland among you? Why has he left the land of his fathers? The Emerald Isle is as dear to him as these rivers and hills are to you. Was it not taxation on one hand, and the low price of labor on the other, that induced him to come to a country of free laws, and of boundless extent; where industry has its reward—where the means of living are low, and the price of labor adequate? And do not these remarks apply to emigrants from every part of Europe? Is it not that industry and personal character can do more for a man here, than in any other part of the world?

Our government is the breath of the people's nostrils; they make it, and they appoint agents to administer it. The people are the source of the power of our government; and is it not clear, that it is unsafe to trust the affairs of government in the hands of the people unless the great majority of the people have some interest in the government? Who would be safe in any community when the power is in the hands of those who have nothing at stake? It is the true policy of our government to shield the great body of the people—the productive classes.

Gentlemen, it appears to me so plain a proposition, that the industry of this country ought to be protected, and must be protected, against the pauper labor of England and other parts of Europe, that argument is superfluous. Were it not for trespassing upon your patience, I would state, as a historical truth—for it is beyond all question—that a leading object of establishing the constitution was to devise a system of laws to protect artizans against the cheap pauper labor of Great Britain. In the town in which I live, it is as notorious as the revolution itself.

Soon after the peace of '83, there came on a period of distress over the whole Atlantic coast, far exceeding any thing that had been felt during the war. Importation in British ships was free—American ships there were none. The cheaper labor of England supplied the inhabitants of the Atlantic coast with every thing, from the crown of the head to the sole of the foot. The merchants of Boston appointed a committee, at the head of which was the name ever venerable to the mind of all true Americans, John Hancock, by whom strong resolutions were reported, declaring that the inhabitants would not use any articles imported in British ships. The mechanics of Boston met and recommended the inhabitants not to use British articles *at all.*—[*Great applause.*] "For," said they, "with all regard to you, Mr. Hancock, what odds does it make, whether our shoes, boots, hats, handkerchiefs, or shirts come in British ships, or American ships—they take away our bread, come in what ships they may." This state, the state of Massachusetts, and even the state of Virginia passed laws to protect their own people by impost. But it could not be effectually done. One state would pass a law—another would not—there being no general system, there could be no protection. And it is a historical truth, plain beyond doubt, that our great object, along the Atlantic coast, in adopting the constitution, was that, by establishing a regular and uniform system of imposts, the various artizans and handicrafts might be permitted to earn their bread. There were, at that time, no manufactories in the interior, for there were no inhabitants. Here was fort Pitt—upon the map to be sure—but no people. Among the mechanics—the workers in leather, tin, iron, &c. there was a greater depression and poverty, than there had been during the war. And, I hope you will pardon me for another anecdote which is brought to my recollection. Massachusetts was the ninth state to adopt the constitution. If she adopted it, it would go into effect; but it was matter of great doubt whether she would. The mechanics of Boston met and passed resolutions. They said it was *necessary for them*. They elected delegates to adopt the constitution. Their proceedings were communicated to Samuel Adams. He had doubts—he was a friend of liberty, but he had honest and sincere doubts about the practicability of a general government. Paul Revere, a worker in brass, read to him the resolutions of the mechanics. He was asked how many mechanics passed these resolutions—(the meeting was held at the old Green Dragon)—was the room full? Oh, yes, to overflowing. Were there any in the streets?—Many. How many? More than the stars of heaven. [Laughter and applause.]

It was thus the constitution of the United States was carried. Any gentleman desirous of pushing the historical inquiry, will find that the great and prevailing interest was where there were merchants and mechanics. There was a natural hesitation about the adoption of the constitution; and it was only urged through by the interests to which I have adverted.

Under these circumstances, it cannot be expected that we, of New England, will readily abandon our ground. We are ready to do more work, with less protection, if that will answer—but we yet believe that the power is in the constitution. And I do not believe that it is within my competency to draw my pen across that power; for I have no more power to diminish, than I have to add. And, acting in the situation in which we are placed—as a portion of the great American family—having the same interests as these great and vast central districts—we shall go on, attached to the union, attached to all the great interests of the government, and attached to the constitution.

Your worthy mayor has alluded to the subject of internal improvement. Gentlemen, it has always seemed extremely strange to me, that in the progress of human knowledge and human virtue—for I believe that human virtue is making rapid progress—it has always seemed extremely strange to me, that the objects of government should be limited so much to belligerent operations, that its duties should seem to be considered as referrible so exclusively to wars with other nations. Certainly, in a day of Christianity, in a day of light and knowledge, of benevolent feeling and action, it should be the business of government to turn its attention inward; to remember, that the objects of its supervision are rational, immortal beings; and to seek to promote all great interests, so far as may be within its constitutional power; and, surely, within that range, are objects far more worthy of zeal and assiduity, than such as look to our external relations—to war, or victory, or triumph.

What, in our day, has not been done by voluntary association? Our whole government is a voluntary association. Why should it not direct its attention to those things which look to peace? Upon this subject, I will observe, that when I came into congress, on taking a view of the country, and its interests, and concerns, at the close of the late war, I thought it to be my duty, to say, that a suitable time had come for government to turn its attention inward—to survey this vast country, and particularly this vast western country—to take a comprehensive view of the whole, and to promote the interests of the whole, by the construction of roads, canals and other means of internal communication—to adopt a liberal system of internal improve-

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ment, in whatsoever unites man to man; in whatsoever opens a better market, by clearing the way between the producer and the consumer; in whatsoever connects more intimately the various parts of our country, and binds us closer and closer together. The west, with which I am no more connected than with my fellow citizens, is the great theatre for these internal improvements. The east is old—not only old but small. Our rivers can be measured, yours cannot. Our forests can be surveyed, yours cannot. We are bounded, you are boundless. It has appeared to me, that the west, the fertile, the opening, the soliciting west, was a proper object for the regard of government. To clear the rivers, to improve the harbors upon our lakes, to open roads and canals, to do whatever might unite the people, and bring him who sells and him who buys nearer together, appear to me to be objects worthy of all regard. I claim no particular merit upon this subject—it is from no partiality to the west that I would lend aid to all these objects. My affections know no west—no east—no north—no south. I would comprehend them all in one great and connected whole, and consider it my country.

I see this place, gentlemen, surrounded with circumstances strongly enforcing these truths—you have vast internal improvements—the most prominent of which is your canal, which connects you with the Atlantic ocean: others are projected, not less important than those completed. The Ohio canal, which does so much credit to our young sister of the west, and with which your city needs a direct connection—the Ohio and Baltimore rail road, an arm or branch of which, extending to your city, would be peculiarly beneficial, and which is as much entitled to aid from the general government as the Ohio and Chesapeake canal: with respect to these, and many others, it has always appeared to me, and I make no merit of it, that it is the duty of our government to lend a generous countenance.

One word more, gentlemen, and I have done.

The mayor has spoken of education: and can any man doubt, as a social being, as an immortal being, as a being interested in the world that is—as a being vastly more interested in that which is to be—that education is the great business of man? I take not back one jot or tittle of the expression. Education—the formation of the mind and character, by instruction in knowledge, and instruction in righteousness, is the great end of human being.

Gentlemen, it is most gratifying to witness the attention which has been aroused, not confined to latitude or longitude, upon this subject. In the progress of some five or six weeks in the state west of you, and a part of the time in your own state, I have marked it with delight. The western world—our whole west, is full, beyond all comparison full, of aptitude and claims to instruction. The country is young, and settled with parents who have many children—whose means are not affluent, but who eagerly seek education. The demands are fast increasing, and becoming more and more urgent and imperative.

Under free institutions, literature, knowledge and morals, might well be expected to flourish; but, we are setting the great example which all Europe may look upon with astonishment—that, with popular institutions, and under a system of absolute toleration, we see no indifference to the great cause of *religion*.

We have denied a political sanction to any sect; yet places of worship are seen to spring up in every direction, and of every denomination. Toleration begets no indifference; but zeal, rather than indifference. It is connected with education, with the intellectual and moral culture of the mind; and wheresoever men meet, to worship the God of their fathers, I wish them the means of instruction and the means of adequately conducting the great and good work.

Gentlemen, I have detained you too long.

My friends, my fellow citizens, my countrymen, I must now take a respectful leave of you. I have spent a period of five or six weeks west of the Allegheny, for the first time in my life. It has been a series of happy days. I have seen much which I shall always remember—much to inform, as well as delight me. I return you, again and again, my unfeigned thanks, for the frankness, and kindness, and neighborliness, with which you have made me welcome: and wherever I may go, or wherever I may be, I pray you, my friends, to believe, I shall never lose the recollection of your kindness. May God bless you all.

It is believed that about three thousand persons were present during the delivery of Mr. Webster's speech.

We had laid aside some account of the attentions paid to Mr. Webster at Lancaster, Chillicothe, Steubenville and many other places in Ohio—at Louisville, &c. in Kentucky—at Wheeling and Wellsburg, Virginia—at Bedford, Chambersburg, Gettysburg, &c. in Pennsylvania—but it does not seem necessary that we should record them; but it may be well to insert what follows:

He declined a public dinner at Steubenville—but at a private entertainment in that town gave this toast—

The state of Ohio—The abundance of her resources and the fertility of her soil, are only equalled by the hospitality of her citizens—may her influence in the councils of the nation always be as salutary as they must be influential.

The *Frankfort* (Ky.) *Commentator* had these remarks:

The Cincinnati papers inform us that Mr. Webster has left that place for his return to the east. In consequence of the prevalence of the cholera in Kentucky, he declined visiting this state. We speak the feelings of the whole community when we say, that it is a matter of deep regret that *any circumstance* should have prevented the people of Kentucky from having it in their power to testify to Mr. Webster the regard they entertain for him as a citizen and as a statesman. The citizens of Kentucky have looked forward with much eagerness for the period when the great son of New England would visit their state, and see with his own eyes how much there was in this favored land to justify the attachment of her children to it. We wished him to have contrasted our own people with those of his own section, confident that he would have discovered much to admire in us, although it was totally different from that to which he had been accustomed. *We were prepared to welcome him.* But, since it is so ordered, that the fell disease which desolates our land, turning a paradise into a charnel house, has deprived us of this pleasure, we must indulge the hope that when the country is restored to health, he will return again. Cicero, we are told, when he visited the cities of Greece, although under the clouds of political displeasure, was every where in that polished land, greeted as the accomplished orator and skilful civilian. Mr. Webster would have found that in Kentucky he was considered as the compeer of our own great orator—like him an ornament to the bar, the halls of legislation and the national councils; and like him deserving of the respect and attention of every man who took pride in the fame and achievements of his countrymen.

The "National Intelligencer" of July 11 said—

Mr. *Webster* has wrought little less than a miracle upon *party* feuds and divisions in the *western country. He has fairly* extinguished the one and obliterated the other. In the last number of the Nashville Banner we find published the letter of invitation to him to visit that city, from which we take the following extract:

"In discharging the pleasing duty thus assigned them by their fellow citizens, the undersigned have much satisfaction in being able to assure you, that should it suit your convenience thus to extend your western tour, you will be most cordially greeted by the citizens of this town and neighborhood, without distinction of party, and that every effort in their power will be cheerfully made to render your visit as agreeable to yourself as they are sure it will be satisfactory to them."

That Mr. Webster should be thus respectfully invited to Nashville by a portion of his western countrymen is not at all surprising. The remarkable feature of the honor thus paid him is the complete political amalgamation perceptible in the following list of the committee by whom the invitation was signed:

Wm. Armstrong,	E. S. Hall,
Thomas Washington,	John Catron,
Felix Grundy,	Ephraim H. Foster,
H. M. Rutledge,	And. Hynes,
Boyd McNairy,	Ph. Lindsley,
H. R. W. Hill,	Francis B. Fogg,
John P. Erwin,	John Williams,
Robert Woods,	G. W. Gibbs,
George Crockett,	W. G. Hunt.
H. L. Douglass,	

We here behold Jackson-men, Clay men, neutrals, and every other class of politicians, harmoniously uniting to pay honor to talents and integrity which they believed to have been employed usefully to *the whole country*. It is a spectacle we delight to look upon. Would that such were oftener seen!

DISTRICT COURT OF THE UNITED STATES.

Southern district of New York.

The postmaster general of the U. S. vs. *John L. Clark.* *The same*, vs. *Samuel J. Smith.* } Post office cases.

These were actions of debt brought to recover penalties alleged to be incurred by a violation of the third section of the act of congress passed the 2d of March, 1827. That section is in the following words:

"That no person, other than the postmaster general, or his authorised agents, *shall set up any foot or horse post* for the conveyance of letters and packets, upon any post road, which is or may be established as such by law; and every person who shall offend herein shall incur a penalty of not exceeding fifty dollars, for each letter or packet so carried."

The causes were brought to trial before a jury at the last January term, his honor judge *Betts* presiding. The counsel for the plaintiff, J. A. Hamilton, D. A. offered evidence, showing that the suits were commenced on the information of E. J. Mallet, postmaster at Providence, R. I. That the defendants as partners kept a lottery and exchange office there, and another office in New York, and that they had been for a considerable period of time in the practice of sending their letters, from one office to the other, in a bundle or small leather bag by passengers going back and forth in the steamboats running between Providence and N. York. They were also in the habit of sending with their own letters, free of any charge, the letters of third persons who desired to have them forwarded. Mr. Mallet several times interfered, and insisted on the illegality of the practice, and threatened them with a prosecution unless it was discontinued, and the defendants, not having taken legal advice, agreed to discontinue it.

Being afterwards advised that sending letters in this manner was not unlawful, they again began to send them as before,

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which, being discovered by Mr. Mallet, he directed these suits to be brought, being the first ever brought for the offence alleged. No evidence was offered on the part of the prosecution to prove the offence of "setting up a foot or horse post," except that the defendants had sent letters by passengers going in the steamboats, as before mentioned. This, the counsel for the prosecution contended, was the setting up a foot post within the meaning of the law. To show that the waters between N. York and Providence were a post road, he referred to the act of congress of March 3d, 1823, which declares, "that all waters on which steamboats regularly pass from port to port, shall be considered and established as post roads." He also insisted that sending letters from the defendant's offices to the steamboat wharf by their office clerk, was clearly setting up a foot post on the post road between the two cities, the street to the steamboat being a part of the post road.

E. Paine, for the defendants contended that the acts complained of, did not constitute an offence within either the letter or spirit of the act of congress relied on. It was apparent to every one, that the gravamen of the offence prosecuted against, was, not the sending of letters, but the *setting up* a foot or horse *post*. This was the act prohibited, although the penalty was affixed to the letters sent.

It was contended, that to bring the defendant within the *letter* of the law, it must be shown that they had set up a post. That by a post was meant, some person sent expressly, and with some sort of regularity, for the purpose of conveying letters. If he went on foot, he would be a foot post; if on horseback, or in a carriage drawn by horses, he would be a horse post; but in either case, he must go by land. That it was absurd to suppose that a horse or foot post could go by water. The words horse or foot perfixed to the word post, were intended to be descriptive of the mode of conveyance, and could mean nothing else. A person going in a packet to England might as well be called a foot post, as one who went in a steamboat to Providence. Besides, the letters were sent by passengers in the steamboat, going on their own business, and who carried the letters casually. This was not the setting up of a post of any kind. It was indispensable to the character of a post, that the business on which it went should be the carrying of letters. And it was insisted that the words of the law were to be understood in their plain, and obvious sense and not to be strained to create a penalty.

In order to show that the alleged offence was not within the *spirit* of the act of congress, the other post office laws on the same subject, and the obvious policy of their prohibitions were referred to. From these it was evident that the government did not claim the exclusive right to carry all letters, but merely the exclusive right to maintain posts for carrying them. The government post office establishment was derived from the English system of monopolies. In that country, the wants of the government, might preserve it, as a branch of the revenue, in the highest degree of rigor. But in this country no such necessity existed, and it was inconsistent with the spirit of our institutions, to make the post office establishment an infringement upon the liberties of the citizen. All that was necessary was, to prevent establishments of the same character from being set up in opposition to the government establishment. And accordingly all the prohibitions of the various acts of congress were directed to this object, and, this only. None of them were designed to prevent the transmission of letters, however frequently, or in whatever quantities, but to prevent the setting up or growth of such establishments.

The act of March 3d, 1825, repeals all other acts passed for the establishment or regulation of the post office, and is emphatically the post office law. The only prohibitions in this act are the following:—

Section 6. Requires the *master or manager of any steamboat* to deliver the letters brought by him to the postmaster of the place—and also requires every *person employed on board a steamboat* to deliver the letters entrusted to him, to the master or manager.

Section 17. Requires the *master or commander of every ship or vessel* arriving at a port of the U. States, before breaking bulk to deliver all his letters at the post office.

Section 19. Prohibits any *stage or other vehicle* which regularly performs trips on a post road, or road parallel to it from conveying letters; and also prohibits *any packet boat or other vessel* which regularly plies on a water declared to be a post road, from conveying letters, except such as relate to some part of the cargo; and imposes a penalty of fifty dollars on the owner of the carriage, other vehicle or vessel, *or the person who has charge of it*, for its violations.

No subsequent act of congress contains any prohibition except the section above recited under which these suits are brought prohibiting the setting up of a horse or foot post.

It was contended that the uniform and studied forbearance of congress, when legislating about ships, vessels, steamboats, packet boats, and carriages, to prohibit the sending of letters by passengers, or passengers conveying them, and confining the prohibition expressly to the masters and owners, or persons in their employment, was conclusive evidence that they never designed to prevent their being sent by passengers. That the reason of the master, owner and servants being prohibited was obvious. It was to prevent the *conveyances* themselves from becoming rival establishments to those of the post office. It would have been the most natural and easy thing imaginable for congress, when legislating about these conveyances, to have said that no *passenger* going in them should carry letters. As they had not seen fit to do so, it was hardly to be supposed that they had designed to do it, when prohibiting something so apparently different as the setting up of a foot or horse post.

The *court* charged the jury in substance as follows:—

That, if the defendants employed a person to carry letters from New York to Providence regularly, such person was to be deemed a post. That, if such person was employed to go on horseback, he would be a horse post; if on foot, a foot post. But that it was not necessary that a person employed to go on foot, should go all the way by land, to constitute him a foot post: For instance, if he were employed to go from New York to Albany, and should go, to Harlæm on foot and then take a steamboat the rest of the way, he would be a foot post. That the law having, by various previous provisions, prohibited the carrying of letters by steamboats, packets, stages and carriages, undoubtedly designed, by the provision under which these actions were brought, to complete the plan of prohibition by extending it to the conveyance on horseback, or on foot. That it was for the jury to say, whether the acts complained of were a violation of the law, as the court had stated it to them. If not a violation, the acts were undoubtedly an evasion of the law, but these actions should not be sustained for acts which the law did not expressly forbid.

The jury withdrew and returned a verdict for the defendants.

Afterwards, the district attorney moved to set aside that verdict on the grounds of misdirection of the court, that the verdict was against evidence, and on newly discovered evidence. But the court, after argument, denied the motion, as the charge contained no misdirection; the jury had passed upon the evidence submitted to them, and the newly discovered evidence was merely cumulative and was known, or might have been, before the trial to the postmaster at Providence who had directed the suits to be brought. Judgment was therefore rendered for the defendants.

"IRON CASE"—AT NEW YORK.

The following case was reported for the "Journal of Commerce"—and we give it *in extenso*. It is not necessary, at present, to say more than that the great principle involved in Mr. *Clay's* "bill of compromise," as some have called it, *was grossly violated before it went into operation*, in the repeal of certain *provisos* in the act of 1832, on which that compromise was founded, and *at four o'clock in the morning!*—though these *provisos* were originally intended, and specially inserted in the law of 1832, to *insure* to the makers of iron the amount of protection apparently extended to them, and for which they the more cheerfully submitted to the large reduction of the duties established by that law!

There were circumstances attending the repeal of the provisos which cannot be thought of without disgust—and the effect of this repeal is—that iron, partially manufactured, or, more properly speaking, *apparently* manufactured, is admitted at a less rate of duty than the iron itself!

We have already freely stated the facts which belong to this *extraordinary* act of legislation—and shall, probably, have something more to say on the subject, that the repealing act may be repealed, as a matter of respect to *common decency*. The boast of the *Englishman* seems as if accomplished—"we'll break down the iron arch of Pennsylvania," said he, "and the whole system will fall to the ground."

DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK.

In admiralty, July 7, 1833.

The United States of America,

vs.

Thirty-one boxes and forty-two packages of articles, and ten pieces of iron falsely denominated straight, bent and turned links, and anchor iron. John F. Sarchet, claimant.

These articles were imported in the Wm. Byrnes from Liverpool, and invoiced 29 boxes bent links—2 boxes straight links—42 packages turned links—and 10 pieces of anchor iron, with their respective weights, cost, &c. The importer, by his attorney, John Sarchet, claimed to enter them at the custom house at 15 per cent. ad valorem under the act of 1816, as non enumerated articles manufactured in part—and denied that they were a complete manufacture of iron, which pays 25 per cent. ad valorem. Attached to and forming part of the invoice, was the affidavit of the shipper at Liverpool that he was in the habit of receiving and giving orders for links and anchor iron, and that they were the articles in commerce known by that name—and also the affidavit of the manufacturers that these were articles of commerce well known by those names, and fit for nothing but scrap iron unless made into chains and anchors, and for these purposes much more valuable than bar iron. These affidavits were very full, detailing the proofs by which links and anchor iron are made from the raw material and every thing in relation thereto. These the importer submitted to the collector attached to his invoice, who handed them to Mr. Mead the appraiser, who made the following report:

Appraiser's office, January 18, 1833.

S. Swartwout, esq. collector.

The two invoices handed you herewith of Mr. Thomas Barrow of Liverpool, offered for entry, contain the following articles, viz.

Bolt or chain iron of various diameters cut up in ends of different lengths for the making of links for chains, some are

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straight, some bent thus U and others of an oblong form turned or twisted thus ʻʻ the ends tapering to a point and flat for welding.

The straight ends are of the diameter of 72 inch and cut in uniform lengths of inches. The ends bent thus U are 72½ and 9-16 of an inch in diameter and in length 5¼, 6 and 7 inches. These, together with the straight ends before named, are simply cut from the bar or bolt iron while in a heated state—varying in length and in diameter according to the size or strength required.

The oblong or turned links are 15-16 of an inch diameter and 11½ inches long, bent while heated, and in that state cut diagonally at the side by the aid of a machine called a mandrill, and then packed for purposes of transportation on a round bolt of iron 10½ feet long and 1½ inches in diameter, with a large head or flat piece of iron at one end of the bolt sufficiently large to prevent the links from passing over, and at the other end by a key securing them from coming off.

The two pieces called anchor iron are two feet long, 6½ inches square at the large end and tapering down to 1½ inches at the other end, and is in fact and truth hammered iron. It is unlike bar iron in every particular. Each piece besides is prepared separately by itself and then welded together for anchors.

I would particularly recommend to your perusal the oath or affirmation attached to this invoice of anchor iron. It sets forth in a clear and explicit manner the article in question—without a word from me—that it is intended for anchors there cannot be a doubt—that they are not anchors there cannot be a shadow of a doubt, and that they are not manufactures of iron suited to any known purpose, it is also equally clear and conclusive.

The oath or affirmation attached to the invoice of bolt or chain iron, is in the main equally clear and comprehensive, as regards the facts therein set forth, save that part which draws deductions from premises not warranted by facts, which part is marked in the margin of the affirmation by inverted lines. I cannot but consider this a case where the object of the owner is to evade the payment of duties imposed by the laws, and one so clearly and palpably wrong as not to admit of any well grounded defence under any view of the case. They cannot in truth be considered as manufactures within the intent and meaning of the law; that they are not chains, no one will be foolish enough to aver; but that they are intended for links for chains, no one will deny.

Under what view of the case, then, can they be called manufactures of iron? We might with the same propriety call a bar of iron a manufactured article. I am, respectfully, your obedient servant. (Signed) A. B. MEAD.

The bolt or chain iron, although cut up into pieces for links, should be classed for duty as bar or bolt iron, made wholly or in part by rolling, and the anchor iron as hammered iron.

(Signed) A. B. M.

The collector then, on suspicion that a fraud had been committed in making the entry, ordered the packages to be examined by Nicholas Saltus and Daniel Ayres, two merchants in New York city, who reported to the collector as follows:

SCHEDULE D.

New York, January 21, 1833.

David S. Lyon, esq. deputy collector of port of New York.

SIR: In answer to your letter of the 18th, requesting us to report to you our opinion of the iron entered by Mr. Sarchet in this custom house, imported in the ship Wm. Byrnes, beg leave to state that the said iron is what is represented in the certificates, viz: three descriptions of links well known to the trade as parts of chain cables, requiting but a small process to make them complete chain cables, and parts of anchors ready to be joined together. The tariff expressly states that chain cables or parts of chains, shall pay 3 cts. per lb. and anchors or parts of anchors, 2 cts. per lb. This was well known to Mr. Sarchet, and his attempt to enter them under any other form is an attempt of fraud on the revenue, and consequently in our opinion ought to be seized. Respectfully we are, &c.

NICHOLAS SALTUS.
DANIEL AYRES.

The articles were thereupon libelled as bar and bolt iron—short bars and bolts of iron, falsely denominated links and anchor iron—and also for that "the invoice and packages were falsely made up with intent by a false valuation, extension, or *otherwise*, to defraud the revenue"—that the goods were described as manufactured articles subject to 25 per cent. ad valorem, when they were iron in bars and bolts, and subject to a specific duty—that the packages contained articles not described in the invoice—that the packages were examined by two merchants and found to differ in their contents from the entry.

On the trial—the substance of the testimony was this:

The entry clerk of the custom house testified that Mr. Sarchet came to his desk, and proposed to enter this invoice at 15 per cent. ad valorem: but witness would not so enter it, and an entry was then made out at 25 per cent. ad valorem: He asked Mr. Sarchet what he wanted it charged at? He replied 15 per cent. Bonds were executed in blank.

Mr. Mead, U. S. appraiser, testified—that his report was correct, and he found this invoice, pieces of iron intended for links of chains, and he was bound to say, that the papers attached to the invoice were correct in every particular, and squared with the information he received, and confirmed it. The straight links he considered braziers' rods, but in commerce they would not be known as such. That he had no experience in iron, but what he had acquired as appraiser.

Mr. *Saltus* for the U. S. said that he was an importer of iron, and signed the report with Mr. Ayres to the collector as above, which was correct—that it costs about 2 to 3½ cents to make these links into chains—links are known in commerce as distinctive articles. In orders you merely give the diameter, and the manufacturer has rules for the length. The government advertise for straight and bent links, and witness has supplied them. Also for anchor iron in parts, but he never supplied anchor iron—chain cables are invariably imported 90 fathoms, in sections of 15 fathoms connected by shackles.

Mr. *Ayres* for the U. S. said that he signed the above report—and it is correct. He should think a link a part of a chain, and thinks the trade would so consider it—should think anchor iron parts of anchors. He sells links, and anchor iron—he invoices them as links and anchor iron—they are ordered by those names, and so known in commerce. He should order them by that name from abroad. Being asked if he so ordered, sold, bought and invoiced them, by what name he would enter them—the district attorney objected and the judge ruled he must not answer the question.

Mr. Ayres further said to make the turned links into chains he thought would cost 2½ cents per lb. Imagines Sarchet's parts of anchors only wanted welding, a hole punched and a ring to make anchors of them.

Mr. *Jacocks*, clerk in the appraiser's office, said he knew very little of iron—supposed this anchor iron for the purpose of making anchors. Until this trial supposed a link considered by every body a part of a chain.

Mr. *Barker*, collector of Philadelphia, said Sarchet in 1829, contended that the anchor iron was not parts of anchors, but anchor iron subject to 15 *per cent.—But for the law of 1832*, witness would have considered links parts of bolt iron, and so charged them. The treasury decided before 1832 that they were not parts of chains, and the anchor iron not parts of anchors. I had charged the links as bolt iron and the anchor iron as anchors, as I always fix the highest rate of duty where there is a doubt.

Mr. *De Camp*, custom house officer, made iron 30 years previous to 1818. He should call links parts of chains, welded or not, and the straight ones, braziers' rods cut up in pieces, fit for rabbit screws and many purposes. The anchor iron I supposed pieces of anchors, and would be so considered by the trade. When these pieces leave the forge they are half made. If I wanted to make an anchor, I should order the number of pieces, giving the weight, and I don't know how it would come invoiced. Never saw an invoice of it. I don't know whether it is an article of commerce, but I have seen small quantities come into port for 13 years past, like this. Never finished or made an anchor, but sold a great quantity of anchor iron to merchants, who sell to the anchor maker. If well drawn, not much to do but weld it.

On the part of the claimant—Mr. John H. Howland of New York, importer and dealer in iron for many years, testified that, this invoice was not chains nor bar or bolt iron.

Mr. *Cornell*, a merchant, and five chain cable and anchor maker, including the most extensive in America, testified that links, straight, bent and turned, and anchor iron, were an article of commerce well known by those names, and so ordered, bought, sold, and invoiced—that the anchor iron was equally finished with iron in bars and bolts, and the links more so. That both were more valuable for chains and anchors than bar or bolt iron, but if not used for these purposes they should sell the same for scraps. That these links are not a manufactured article, but partly manufactured, and are the raw material of the chain maker, as common bar and bolt iron is of the general smith, and as anchor iron is of the anchor maker. That links welded and finished separately, would be no part of a chain unless in links—that a chain or part of a chain is a series of chains connected together, and these must be more than one. That the cost of making these straight links into chains is about 4 to $5 per cwt.—bent links 10 per cent. less, and turned $4 37½ to $5—that the general price of anchors is 11 to 12 cents per lb. and of anchor iron 5½ cents. That chain cable iron and anchor iron is a different kind of iron from bar or bolt iron, and much superior in quality, having no cinder in it, and *higher in price*, made in a particular way for the manufacture of cables and anchors. There is none in America suitable for the purpose, and experiments have proved it. The claimant also introduced the testimony taken in 1828, before congress, to show that congress in passing the law knew these articles as links, in which Mr. Keese's examination says, that at the Peru works they manufacture principally chain links and bar iron—and also the advertisements of the navy departments for links and anchor iron—to show that congress intended to leave these articles non-enumerated, as bar iron could not possibly be imported in that form for any useful purpose, and as our own iron is not suitable, that the chain cable and anchor makers might have the advantage of a cheap raw material.

Much other testimony was taken, which, with the arguments of counsel, occupied the court six days; but our limits will not permit its insertion.

Judge Betts read the following

OPINION:

U. S. district court, *vs.* 6 iron boxes, &c.

The forfeiture is claimed—

1. Because, on inspection of goods, the invoice was found to have been made up with intent by a false valuation, extension or otherwise, to evade and defraud the revenue. There is no

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proof showing any erroneous valuation or extension in the invoice, and it is admitted by the district attorney that the forfeiture can only be sustained by force of the expression "or otherwise."

He insists that the proof shows that the invoice was accompanied by a representation from manufacturers abroad, calculated and intended to induce the collector to allow the goods to be entered at a rate of duty lower than they were subject to by law, and that the inventory in correspondence with that proof, was made up by a misdescription, a false denomination of the goods.

The articles were entered as articles of manufacture subject to a duty of 25 per cent. ad valorem, and the affidavits of the manufacturers representing them to be so. It is contended on the part of the government that they were bar and bolt iron and anchors or parts of anchors, and liable to a specific duty under the act of May 22d, 1824, of 3 cents per lb. on the links and 2 cents per lb. on the anchors.

By the act of May 22, 1824, sec. 1, art. 5, a duty is imposed "on iron cables or chains or parts thereof," of 3 cents per lb. and "on anvils and anchors two cents per pound."

By the act of May 19, 1828, sec. 1, art. 2, a duty is laid "on bar and bolt iron, made wholly or in part by rolling," of $37 per ton.

The 5th article of the 1st section of the act of May, 1824, provides that "on all manufactures not otherwise specified, made of brass, iron, steel, pewter, lead, or tin, or of which either of these metals is a component material, a duty of 25 per cent. ad valorem shall be laid."

The 2d article of the 1st section of the act of April 27, 1816, enacts, that there shall be laid a duty of 15 per centum ad valorem on all articles not subject to any other rate of duty.

The claimant insists that although he entered his importation as subject to duties under the act of 1824, yet that strictly it comes within the provisions of the law of 1816, and should be charged with only 15 per cent. duty.

To bring these articles within the scope of the libel under this branch of it, it must be found that they were subject to specific duties, and that the manner of charging them upon the invoice is comprehended in the interdiction "or otherwise" of the act of 1830.

The point has been most pressed, in argument, that the court should now decide, whether they are not entitled to entry on the payment of 15 per cent. instead of 25.

It does not appear to me that the point is necessarily raised for decision in this cause. The allegation is that the goods were subject to specific duties, and that the claimant attempted a fraud upon the revenue in entering them as liable only to an ad valorem duty. If the general proposition is decided in favor of the claimant and his goods acquitted, it would be entirely gratuitous on the part of the court to go further, and settle between him and the officers of the custom house the rate of duty he should pay.

The present question is one of forfeiture alone, and whether the goods are liable to specific or ad valorem duties, is an inquiry which can have no relevancy except as showing the motive of the party in preparing his invoice. As he entered them there as liable to 25 per cent. duty and offered to pay that, it would be a useless speculation to inquire what the evidence of a fraudulent motive might be, had he endeavored to pass them at the lower rate, thereby saving 10 per cent. more to himself. We can in justice, do no more than estimate the influence of the act done, and there would accordingly seem to be no utility in carrying our regards to a more supposable state of facts. The term "otherwise" in a penal law is liable to serious objection for want of that precision and certainty the citizen has a right to expect in the language of a law which is to confiscate his property; and no court could go further in giving it meaning and application, by construction, than the plain intent of congress manifested in the context of the term, imperiously demanded.

The 4th section of the act of May 28, 1830, declares "that if any package shall be found to contain any article not described in the invoice, or if such package or invoice be made up with intent, by a false valuation or extension or otherwise, to evade or defraud the revenue, the same shall be forfeited."

Having designated three delicta by this clause, each of which shall work a forfeiture of the goods, the inquiry is whether some other substantive and distinct offence was intended to be provided against by the term "otherwise," and if so, whether it is to be interpreted to embrace every other fraud or evasion that may be devised, other than the three specifically designated.

It is believed no sound administration of penal law can permit a range so unlimited and hazardous to language of a very equivocal import. The expression ought rather to be construed as suppletory to those preceding it, and as having relation to the same subject matter. Congress no doubt intended to specify the modes in which offences followed by a forfeiture of property should be proved to have been committed, but as the enumeration might possibly omit some offences coming clearly within the general classification, though varying in some accidents of form or manner from those named, used a phraseology broad enough to bring such equivocal acts within the statute. The statue should therefore be construed as applying only to cases of the same character with those enumerated, and not to any of a different and independent description.

The offence described by the act is "making up a package or invoice" in a particular way. The term valuation and extension, apply to the invoice, and the otherwise as immediately associated with them by juxtaposition and grammatical connection, ought undoubtedly to be read as having reference to the invoice also. By what method of making up an invoice other than by valuation or extension, can this fraud be committed.

But by omitting articles, that offence is provided for in a previous part of the section.

But effect may be given to the term by applying it to a fraudulent mis-description of the invoice; though true to certain intents, yet being false and fraudulent as to the matter of duties to which the real article would be entitled. For instance, as entering refined sugar as white clayed, &c. the description actually given though true in terms, not being the whole truth such as represents the exact character of the commodity, and if acted upon at the custom house will leave the goods to pass with a lower rate of duty than they would pay under full denomination. In the case before the court, anchors or bar iron entered as anchor iron—parts of chain cables, as links—bolt iron, as straight links—if done with intent to evade or defraud the revenue, would be making up the invoice otherwise than by false valuation or extension, and in a way calculated to evade the payment of duties and so as to give application and significancy to this branch of the statute. It would thus become the false charge and the want of correspondence of the goods mentioned in the preceding part of the section, as all the articles of the libel proceed upon the allegation of a *false denomination*, or description of the goods imported. This controlling question in the merits of the cause may be as well discussed under this branch of the case, as in connection with any of the other charges of the libel. The different forms in which the offence is stated in the libel so as to bring it under some of the prohibitions of the statute as comprehended in and depend upon the proposition that "what is called in the invoice *anchor iron*, is bar iron or anchors; and what are called straight links, are bolt iron or brazier's rods; and what are called bent and turned "reve- *parts of chain cables or chains;*" and these false descriptions are given with intent to evade the payment of duties. If this proposition is true, the goods would be subject to forfeiture under the branch of the libel now discussed: and if not true there is no matter set forth in any other part of the libel that would subject them to forfeiture. Without therefore waiting to arrange the proofs under the various charges of the libel, the most commodious and perspicuous mode of considering it will be to bring it in review under the head of the pleadings.

A critical examination of the evidence produced on the part of the government cannot fail to show that the allegations upon which the property was seized are too feebly supported to justify a condemnation for these causes alone, and if the proofs make out a case involved in some uncertainty and doubt, this doubt raised is not as to the accuracy of the invoice and entry (which would impose on this claimant the obligation of proving their correctness and bona fides. Wheat. R. 411), but it is, whether a probable cause for seizure existed.

The invoice and entry described the first item under consideration to be, "ten pieces of *anchor iron.*"

The specific charge in the libel, applicable to this commodity, is, that it was *iron in bars;* although in the proceedings and argument it was considered to be anchors, or parts of anchors, and that it did not correspond with the invoice because of that misnomer. The only witness on the part of the United States personally conversant and experienced in the iron business who considers these as parts of anchors, is Mr. De Camp. But he is exceedingly indistinct and uncertain in his judgment as to the denomination it has acquired in commerce, and he unites with the other experienced witnesses, on the part of the United States, in saying it is not known as bar iron, that it is both more refined and of higher value than bar iron, and also is carried forward to a state of manufacture adapted to making anchors, and is more valuable for that use than any other.

Mr. Ayres says it is known in commerce as anchor iron; is so imported, invoiced and sold, and the general bearing of the proofs for government is, that an order for anchor iron would be as distinct and well understood in business as for any other article in the iron trade.

Under this proof, without adverting to the very full and satisfactory evidence on the part of the claimant in this behalf, it cannot be maintained, that the article entered as anchor iron did not correspond with the invoice describing it as such. If it was not to be considered a manufacture, but the raw material for the trade and business of anchor making, yet it is put beyond all doubt by the proofs, that it has acquired a settled and notorious denomination entirely distinguishing it from bar iron. So also it cannot be termed an anchor and be liable to a specific duty as such, because it has to undergo an important modification and manufacture to bring it from its present state into that of anchors.

The act of 1824 imposed a duty on anchors, and not as is assumed in the report of the merchants who inspected this importation, on anchors and "*all parts thereof.*" The latter provision is made in the act of July 14, 1832, (sec. 1. art. 9.) but this importation does not come under the provisions of the latter statute.

So as to the other parts of this entry. The testimony of Messrs. Mead, Saltus and Ayres, on the part of the United States, is clear and unequivocal, that the articles inventoried and entered as straight, bent and turned links, are well known in commerce by those denominations. They are manufactured and sold by these appellations; the straight and bent are com-

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mon in our market and pass by the name of links—the turned are an English fabric, and seem to have been imported solely by the claimant. All the witnesses however agree in terming it a link, and the appraiser using the same denomination details the mode of its manufacture.

This species of links and the bent ones were unquestionably within the general description of links, and whether they are more, and compose parts of chains, will be more particularly noticed presently.

Those called straight links have the appearance of ordinary brazier's rods, shortened to a standard length, fitting them for chain links. The rod is no other way changed than by cutting it into pieces.

It has been strenuously argued that this is only a simulated manufacture, still leaving the raw material to answer many valuable uses to which it is ordinarily applied, and that the alteration is fraudulent; intended to introduce the article in its present form at an impost below what it is legally liable to.

Although in the opinion of some of the witnesses, iron cut into these short pieces may be used to advantage for bolts, screws, spikes, &c. yet by far the greatest weight of evidence is, that unless manufactured into links, it would be only marketable or useful in this form, as scrap iron.

And the proof both of the witnesses on the part of the United States and the claimant, places the fact above question, that the article in this form is a well known commodity, manufactured here and imported from abroad, and bought and sold under the name of straight links, and that it is in well established use for making chains, and is most valuable for that purpose. This proof is abundantly sufficient to show that the articles found in the packages correspond with the invoice, and that they were [illegible]erly entered as links, if they are not something more than [illegible] links. The remaining inquiry then is, whether all the [illegible] subject to duty as *parts of chains*.

[illegible] no doubt that in correctness of language every [illegible] component portion of an entire thing, is a part of that thing. In this sense a link is a part of a chain. As a wheel, spring or chain is a part of a watch, each of them essential to the existence of the particular thing.

The act of congress laying a like duty upon "*cables or parts thereof*," includes within the letter, the separate links, as well as the series united in a chain, and would accordingly be so applied, unless a different signification be given up by usage and is well known to those conversant with the particular article, or the connection in which the expression is used, denotes that it is to receive a more comprehensive meaning. In seeking the proper interpretation of the phrase "parts thereof" as applicable to chain cables, we discover at the first step, that custom, norma loquendi of laws, as well as of society, has affixed a meaning to the first element of the subject (*links*) essentially variant from its acceptation in the strict sense of the term. A link considered as a substantive article of manufacture, must unquestionably be finished, have every operation performed upon it required to fit it for the use it is destined for; whether round or oval, open or closed, it becomes the link only when the artist has completed his labor upon it. The link which forms part of a chain cable, must necessarily be closed; neither a straight piece of rod, nor bent at one end, nor turned so as to bring the two ends nearly into union, can in accuracy be said to compose that description of link. Usage, however, as it has been abundantly proved, does give the name of links, to things intended to form chain cables, that cannot compose such cable without great additional labor and manufacture, and if in like way the expression "parts of chains" has obtained a meaning different from the literal import, the rule which adopts the customary appellation in the one case, ought also to give it the same force in the other.

The evidence very satisfactorily shows, that chain cables are imported entire and in fragments or sections of several fathoms in length, which can be united by shackle links, or opening an ordinary link so as to supply the length that may be required, and that such sections of the chain are known in commerce as parts of cables or chains. The part being complete as a chain of itself, but of less length than the cable commonly required.

As this is the denomination the commodity receives from the dealer, the manufacturer and those conversant with it, the presumption is exceedingly forcible, that the law of 1824 contemplated those sections as the parts of chains which are made liable to the same duty as the entire chain. But whether this be so or not, it is very clear to my mind, that in the sense of the act of 1824, nothing can be deemed part of a chain that is not, as to itself, as finished and complete, as the entire chain. It matters then very little in this case whether in the interpretation of the act, single links should be accepted as parts of chains, inasmuch as to acquire that quality, they must be finished and perfected as links. Nevertheless the construction I put upon the act in view of the facts disclosed by the evidence in this cause, and which it is proper to avow is, that parts of chains and pieces of chain are synonymous, and mean a series of links comprising a section less than the chain as usually imported. In this view of the subject, the part may consist of several fathoms, or any less extent beyond individual detached links: it denotes a portion taken from the whole and still retaining the properties of the whole, less only the extent.

In either view of the subject these articles are not liable to condemnation for the causes alleged.

The district attorney has argued that the importer is bound to swear that the entry is true in all particulars, and that these goods being entered as manufactured articles and subject to a duty of 25 per cent. if it is found that they cannot with justice be denominated manufactured or are subject to specific duties, they must be forfeited for those causes.

The answer to this argument is, that the goods have not been proceeded against as improperly described in the entry, nor is any statute shown subjecting them to forfeiture for that cause. The allegation of the libel is, that the goods on examination and inspection were found not to correspond with the description in the inventory, and it is for that variance that the act of 1830 subjects property to forfeiture.

And it may be further observed, that it is not shown that an erroneous claim at the custom house in respect to the duties, payable by imports, affects the importation or entry, when the goods are correctly described.

Probably it is of constant occurrence at the custom house, that merchants and the collector differ as to the rate of duties to be applied to an entry, when the goods are accurately and exactly denominated. The court know judicially, that such differences have sometimes occurred, and that the construction the merchant claimed for the laws, has been upheld in all the courts. Had it been invariably otherwise, congress would deal with most ungenerous severity with the citizen in confiscating his property for a difference of opinion, which could do the revenue no harm, as the thing is placed undisguisedly in the hands of the public officers, for them to judge whether the merchant is correct or not, in his estimate of the character of the commodity, and they have the power in the first instance of enforcing their construction of the laws, by retaining the goods until he pays the duties they demand.

In my opinion a misdescription of that character would no afford ground for forfeiture of the goods.

The following decree was entered.

This cause having been brought to hearing upon the pleadings and proofs, and having been argued by Mr. Hamilton, the attorney of the United States, on the part of the United States, and by Mr. Walker and Mr. Hall on the part of the claimant, and the premises having been fully considered by the court, it is considered and declared, that the charges in the libel, purporting that the goods specified in the entry were falsely described in the invoice mentioned in the pleadings, with intent to evade and defraud the revenue, are sufficient in law to subject such goods as were imported in boxes to forfeiture under the provisions of the fourth section of the act of May 28, 1830: but it is considered and declared, that anchors, or anchor iron, imported in bulk and not in packages or bundles, are not subject to forfeiture, under the provisions of the said section, and if they were so, it is further declared, that it is established by the proofs in the cause, that anchor iron is a commodity well known in commerce and to artizans by that appellation, and is distinct and different from the article denominated bar iron, or iron in bars; and that the commodity seized and articled upon in this cause corresponds with the description thereof in the invoice.

And it is further considered and declared, that it is established by the proofs in the cause, that the articles described in the invoice as straight links, bent links, and turned links, are articles well known in commerce, and to artizans, by those names and denominations, and are not, nor is either of them, bar or bolt iron, within the acceptation of that term in ordinary usage in trade and commerce; that they have been subjected to a process of manufacture by machinery and manual labor, changing them from the raw material into articles of enhanced value, for the particular uses to which the change has adapted them; and that they correspond with the descriptions thereof in the invoice.

And it is further considered and declared, that it is established by the proofs in this cause, that cables or chains, or parts thereof, as known and denominated in commerce and by artisans, consist of a series of finished links, and that one unfinished link or any indefinite number of unfinished links, are not denominated "cables or chains or parts thereof," and are not known as such.

Therefore it is considered, adjudged and decreed by the court, and his honor the district judge, by virtue of the power and authority in him vested doth order, adjudge, and decree, that the goods, wares and merchandises, specified in the pleadings in this cause, and seized by the collector as forfeited, were not entered at the custom house in this port as charged in the libel, by a false denomination, or description; and that the packages or invoices thereof were not, nor was either of them, made up with intent to evade or defraud the revenue, and that none of the said packages contained any article not described in the invoice thereof; and that the goods imported and entered as aforesaid, correspond with the invoices thereof; and it is therefore further considered and decreed, that the goods, wares and merchandises, described in the pleadings, be acquitted of the seizure thereof, and be forthwith delivered up to the claimant.

But inasmuch as it is made to appear in the proofs that the public appraisers, and two merchants, sworn to assist in the examination of the goods aforesaid, reported to the collector that, in their opinion, the importation and entry thereof had been fraudulently made with intent to evade the revenue, and recommended a seizure thereof, it is ordered that a certificate of probable cause of seizure be allowed and entered.

[From this decree the U. S. district attorney has appealed.]

J. A. Hamilton, for the U. States; C. Walker and J. P. Hall, for claimant.

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